Elmore County; E. G. Glover, Henry County; J. N. Poole, Butler County; W. O. Walton, Chambers County; Y. L. Burton, Chambers County; D. T. Ware, Randolph County; J. P. Hall, Bullock County; S. M. Dunwoody, Henry County; R. C. Smith, Lee County; J. A. Walker, Lee County; J. B. Moxley, Cren-shaw County; R. M. Guy, Lounds County; A. M. Tunstall, Hale County; J. C. Lee, Perry County; W. C. Christian, Hale County; Fred Fite, Jefferson County; Henry Hawze, Jefferson County; M. L. Jeter, Jefferson County; R. E. Smith, Jefferson County; W. G. Allen, Marengo County; W. H. Holcombe, jr., Mobile County, indorsing the action of the United States Senate in striking out the inheritance or estatetax provision of the revenue bill; to the Committee on Ways and Means.

718. By Mr. O'CONNELL of New York: Petition of the Disabled American Veterans of the World War, located in Tupper Lake, N. Y., Federal Hospital, favoring the proposed amendment to the present Reed-Johnson bill; to the Committee on World War Veterans' Legislation.

719. By Mr. RATHBONE: Petition of the city of Morris, Ill., for the construction of a new post-office building and that it be referred to the Committee on the Post Office and Post Roads; to the Committee on the Post Office and Post Roads

720. By Mr. THOMPSON: Petition of Scott Corps No. 18, Woman's Relief Corps of Van Wert, Ohio, favoring the passage of a bill for the relief of Civil War soldiers and their widows;

to the Committee on Invalid Pensions.

721. Also, resolution of the Ohio Brotherhood of Threshermen, favoring the proposed amendment to the food and drug act making provision for the use of domestic corn in the manufacture of sugar; to the Committee on Interstate and Foreign Commerce.

722. By Mr. WATSON: Petition of the voters of the ninth congressional district of Pennsylvania, urging strict enforcement of the eighteenth amendment; to the Committee on the

Judiciary.

## SENATE

# Wednesday, February 17, 1926

Rev. Wallace Radcliffe, D. D., of the city of Washington, offered the following prayer:

Almighty God, we thank Thee for the light and for our eyes that see the light. Crown us this day with Thy continuous loving kindness and tender mercy, and especially bless those to whom the morning comes with special distress and anxiety and burden. We remember especially Thy servant, the Chap-lain of the Senate, to whom Thou hast come with sore bereavement, and pray that by Thy Spirit Thou wilt grant to him comfort and consolation as he has brought to others and bring to him the joyous hope of resurrection and the life.

Make Thy presence here manifest to the Senate that Thou wouldst guide them in Thy loving providence and protect them by Thine angels from danger and burden and undue care and anxiety, and especially endow them with wisdom that through their consultation and by their enactment there may prevail truth and justice, goodness and mercy, and piety and the fear of God, that through them there may come to this Nation freedom from national sin, peace and prosperity, and the fear of God in all our borders, to the blessedness of the Nation and to the glory of Thy name. In Jesus Christ. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Curtis and by unanimous consent, the further reading was dispensed with and the Journal was approved.

## JAMES O. WILLIAMS

The VICE PRESIDENT laid before the Senate a communication from the Assistant Secretary of Commerce, transmitting draft of a proposed bill authorizing the Comptroller General of the United States to relieve James O. Williams, former special disbursing agent of the Bureau of the Census, in the settlement of his account, that the department recommends be enacted into law during the present session of Congress, which, with the accompanying papers, was referred to the Committee on Claims.

## THE AGRICULTURAL SITUATION

Mr. BROOKHART. Mr. President, the financial writers are having much to say about the condition of agriculture in these times. I find that Mr. Hinman has figured out that the prosperity of agriculture is not necessary any longer to the prosperity of the Nation. In an article recently published he has

given some figures and some of the logic of the situation which tend to prove that conclusion. It is ruthless in its attitude toward agriculture and amounts practically to a statement that the other business of the country does not any longer care whether the farmer is prosperous or bankrupt. I ask unanimous consent that the article may be inserted in the RECORD as a warning of the situation that is coming and the attitude toward agriculture.

The VICE PRESIDENT. Without objection, it is so ordered. The article is as follows:

[From the Washington Herald, February 4, 1926]

RELIEF FOR FARMERS NOT VITAL TO CONTINUED PROSPERITY OF NATION, IS HINMAN'S BELIEF

(By George Wheeler Hinman)

CHICAGO, February 3 .- If the farmers prosper, the country is prosperous. If the farmers are not prosperous, the prosperity of the country is blighted

Statements of this sort have met the eye every day for a month in reports of farm conventions, in the pages of the Congressional Rec-ORD, and in business predictions for this year, 1926. They met the eye to-day; if they were true, the outlook for the American people and their business occupations in 1926 would be gloomy enough. But the statements are not true.

Farm conditions have been out of joint in the United States, as in most other countries, for the last five years. Yet United States business has carried the handicap and mounted to the greatest heights in its history. Would the Nation's business have mounted higher if the farmers had been more prosperous? Undoubtedly. But that is not the point.

The point—the big and important point—is that this Nation's business can prosper, has prospered, and is prospering even though farming suffers reverses and, in some places, is blighted by misfortune.

How does this come to pass?

It comes to pass because a multitude of giant enterprises and industries have arisen in the United States. It comes to pass because, instead of being largely a farmers' country, this is to-day largely a manufacturers' country, an industrialists' country, a workingmen's country. How is the change working out in business just now? Let us see.

The building business this year is expected to produce about \$1,800,000,000 worth of homes in the United States. The figures are not exact but not far from right. In this vast sum at least 16 different classes of workingmen and managers and a vast army of materials men will have their shares.

For example, something like \$400,000,000 will go for foundations and masonry and the stonemasons' wages; about \$400,000,000 more for carpenters' materials and carpenters' wages; some \$140,000,000 for lathing and plastering and lathers' and plasterers' wages; nearly \$120,000,000 for plumbing and plumbers' wages, besides other millions for painting, hardware, and so on and so on.

So much for the home-building industry and the vast variety of labor and materials among which it will dispense money and prosperity. But home building is to be only a fraction of the whole building industry.

Home building may distribute its \$1,800,000,000 in the Nation, but the building industry as a whole is expected to distribute three times that amount, perhaps even \$6,000,000,000. Nor is that the end, for the building industry is part of what is known as the great construction industry, and the Nation's construction industry is likely to add some \$2,000,000,000 or \$3,000,000,000 to the total.

So here is one single industry which, with its enterprise and expenditures, will occupy at least 3,000,000 men, support 12,000,000 population, and keep the machinery of productive enterprise moving in scores of remote places all the way from Oregon to Pennsylvania.

The construction industry is given simply as an example. iron and steel industry, the automobile industry, the petroleum industry, and half a dozen other industrial giants are bound to operate, ramify, occupy men, consume raw materials, and circulate capital throughout the Nation. In addition, of course, there are to be reckoned the countless enterprises of moderate size that operate in their

What does all this come to in reckoning the prosperity of the Nation? To this-that industrially the United States has grown to such size that its mines and factories produce nearly \$50,000,000,000 a year compared with perhaps a quarter of that amount produced on farms, and that, therefore, as much as farm depression is to be deplored, and desirable as it is to relieve that depression, the fact remains that the Nation's industry is powerful enough to create and continue prosperity, even though agriculture lag behind.

Important as farm relief may be, there is only foolishness in the prediction that unless relieved at once the troubles of the farmers mean general business disaster and prosperity's collapse.

The Nation's business has passed out of the stage where such predictions prove true. In fact, the whole business history of the last three years shows that they belong to a period which, for good or evil, this country has left behind.

Mr. BROOKHART. Mr. President, again in an article this morning Mr. Hinman sizes up the situation in the West and attributes all agricultural troubles to the automobile. That is an old argument that we have heard for a long time. I am not blaming the Senator from Michigan [Mr. Couzens], as he will see in a moment. Mr. Hinman gives the figures relative to the number of automobiles that have been bought in the 12 Western States that are now saying so much about the condition of agriculture, but he does not show any knowledge of the necessity for the use of the automobile. He does not seem to know that a Ford car is as much a utility for the farmer in these times as a driving team was in the old days. The ordinary farm can not be operated without that service. It costs less to buy a Ford car from the Senator from Michigan [Mr. Couzens], when he made them, and costs less even now, than it does to own a driving team and a proper vehicle for the team, and it costs less to maintain the Ford. The service that a farmer gets out of his car is very much greater than it would be from a team. Yet the financial writers describe the purchases of automobiles by farmers and those in the farming States as an evidence that they are in a state of prosperity, notwithstanding the fact that mortgages are being foreclosed in Iowa, I believe he said, on 165,000 acres of land.

Mr. HARRISON. May I ask who was the writer of the article to which the Senator has referred?

Mr. BROOKHART. George W. Hinman.

Mr. HARRISON. I would like to say that I expect if the truth were known about this writer it would disclose that he is riding around in either a Lincoln or a Packard, and he is finding fault with the farmer for using a Ford.

Mr. BROOKHART. I can not say that his attitude is wholly hostile toward the farmer. I would rather say he is stating some of the facts, but in reference to the automobiles he has no knowledge of their utility. I desire that the article be inserted in the RECORD.

The VICE PRESIDENT. Without objection, the article will be printed in the RECORD.

The article is as follows:

[From the Washington Herald, February 17, 1926]

MILLIONS SPENT FOR AUTOMOBILES BELIE WAIL OF POVERTY IN FARMING STATES, HINMAN SAYS

(By George Wheeler Hinman)

CHICAGO, February 16.—A new call for farm relief comes from a farm organization which represents 12 farm States.

The States are Ohio, Minnesota, Iowa, Missouri, North and South Dakota, Nebraska, Kansas, Indiana, Illinols, Wisconsin, and Michigan. This is the usual list. These are the States which are supposed to suffer most from the collapse of farm values, from lack of credit to carry farm mortgages, from too low prices for crops, from too high taxes, and too many foreclosures.

In several respects the farm conditions are even more distressing than stated in this latest call for farm relief. In Iowa, for example, one authentic report is that 165,000 acres have been foreclosed on and taken away from the men who once owned them and are in the hands of the Iowa banks. This Iowa story alone is a business tragedy, and there are others.

Many reasons are given every day for such business tragedies in the 12 farming States. One of the plainest and simplest is lack of money or credit, or both.

There are deeper and remoter reasons, but lack of money and credit is the surface reason commonly given. It seems plain and exact, and yet it isn't. There are complications.

For example, an automobile review came to hand yesterday with the automobile registrations of all the States. What do these registrations show for the States where there is supposed to be a famine of money and credit for farm relief? They show that in Ohio the people have nearly 250,000 more motor vehicles than two years ago; in Minnesota, 120,000; in Iowa, 92,000; in Missouri, 130,000; in North Dakota, 35,000; in South Dakota, 37,000; in Nebraska, 50,000; in Kansas, 85,000; in Indiana, 135,000; in Illinois, nearly 300,000; in Wisconsin, 140,000; in Michigan, 275,000.

In the last two years, then, there has been enough loose money and credit in those 12 States to enable the people to own and operate nearly 1,700,000 more machines than they formerly owned and operated. Or, in other words, the people of those 12 States alone have to-day something like a billion and a half more money and credit invested in machines than they had two years ago.

In Iowa, for instance, where at present the distress is keenest and loudest, the people put something like \$90,000,000 new money and credit into machines while the 165,000 acres of farm lands were being foreclosed on for lack of money and credit to carry them through the present farm emergency. In North and South Dakota together the new investment of money and credit in machines has been about \$70,000,000. In Wisconsin, from which many bitter complaints come to this office, the new investment of money and credit

in machines has amounted probably to \$140,000,000 in the last two years.

If the cost of operating all the new machines in the 12 States since 1923 were to be added, the total would be an amount almost beyond belief. As it is, the increased investment in machines for the two years comes to a far larger amount of money and credit than the whole annual wheat crop of the whole United States would come to if sold for \$2 a bushel, cash in hand.

Do these figures suggest that there is no real farm distress in the 12 farm States that are calling for help? No; but they suggest several other things. They suggest that these States still have a lot of loose money to spend; that there is in them no general famine of money, credit, or fluid capital; that they are not wholly dependent on either the United States Treasury or the "money lenders of Wall Street" for funds for farm relief; that, however distressed in spots, their people as a whole are probably not unprosperous, and surely at worst are very far from being dead beat or dead broke.

Of course, the automobile is not an exact measure of prosperity. Yet it is not a necessary of life or even of business. For example, the 44,000,000 British still live and transact a great amount of business, although they own only one-fourth the number of machines that are owned in the 12 States in question. And for this very reason—that it is not a necessary of life—the automobile, in this case, at least, indicates a fair degree of prosperity, even if it fails to measure that prosperity accurately.

What is the lesson? In the turmoil and outcry of the present a lot of persons elsewhere seem to be getting the idea that large parts of the Middle West are being harrowed with hard times, or, if not harrowed already, are about to be harrowed. The foregoing figures are given merely to shed a little light upon this idea—to suggest that even if a minority suffer and need relief, the majority seem to be moving along prosperously and optimistically—per aps even too optimistically.

### THE PARTY OF LINCOLN

Mr. BROOKHART. Mr. President, I ask unanimous consent that there may be inserted in the Record an address by the junior Senator from Missouri [Mr. Williams] at the Lincoln day banquet in Springfield, Mo. I think it is rather a notable speech and deserves publication in the Congressional Record.

The VICE PRESIDENT. Without objection, it is so ordered. The address is as follows:

ADDRESS OF SENATOR GEORGE H. WILLIAMS AT THE LINCOLN DAY BAN-QUET, SPRINGFIELD, Mo., FEBRUARY 12, 1926

## THE PARTY OF LINCOLN

America started her career on virgin soll. She was the child of the fullness of time. Out of the experiences of the ages of human life she drafted a new political philosophy. She stated a national ethic of the natural equality of all men. She was the only daughter of freedom. Her fame extended to the ends of the earth and from her the human race took hope. Her inheritance included all that was good and noble and inspiring of the past. She renounced and disclaimed all kinship with monarch and aristocrat. Her only hereditary stain was slavery.

In 1772 the Legislature of Virginia petitioned the British King to stop the slave trade because it was of "great inhumanity" and was opposed to the "security and happiness" of his constituents and "would in time have a most destructive influence and endanger their very existence." The King answered that "upon pain of his highest displeasure the importation of slaves should not be in any respect obstructed."

In 1773 Patrick Henry said: "A serious view of this subject gives a gloomy prospect to future times."

In the same year George Mason said to the Virginia Legislature: "The laws of impartial Providence may avenge our injustice upon our posterity."

In the Continental Congress Jefferson branded the slave trade as piracy; he wrote into the Declaration of Independence that "all men are created equal"; he placed a proviso in the ordinance that dedicated the entire Northwestern Territory to the labor of free men; and after vain efforts at measures of emancipation, he said: "I tremble for my country when I reflect that God is just and his justice can not sleep forever."

George Washington proposed that Virginia should abolish slavery by a public act, but all he could do was to bequeath freedom to his own slaves.

Madison opposed the annexation of Texas lest his countrymen fill it with slaves and he went to his death with the cheerless words that "No satisfactory plan has yet been devised for taking out the stain."

That group of great Virginia sages, statesmen, and patriots passed away. The cotton gin had been invented and the labor of the slave became of great profit. The new generation which followed was impatient that the institution of slavery should be regarded as unwise or unjust. They adopted the theory that it was good and not evil. They insisted it was a blessing to the slave and to the master and they determined to keep it and extend it. The philosophy of man accommodates itself to his desires and purposes.

representation for their States in the United States Senate. New territories were annexed-Louisiana, Florida, Texas, and half of Mexico. Then came Missouri and the great struggle over her admission into the Union, the Missouri compromise, the Kansas-Nebraska act, the Dred Scott decision, the Republican Party, and Abraham

New States had entered the Union with alternate regularity as slave and free. Kentucky had offset Vermont; Tennessee-Ohio; Louisiana-Indiana; Mississippi-Illinois; Alabama-Maine; Arkansas and Michigan were in sight. There was, however, no Northern State or free Territory ready to enter the Union as an offset to Missouri and her entrance as a slave State would not only break the routine as it had been kept up, but at no distant time might turn the scale in favor of the slave-holding States. Missouri knocked at the door for admission into the Union in January, 1818. The fire was kindled which all the waters of the ocean could not extinguish. This generation has forgotten even the echoes of the passion which told the story of the storm which raged over the whole country. The combat raged day by day and from year to year. Every foot of the ground was hotly contested. The scriptures were invoked to sustain slavery and humanity was invoked to condemn it. The Constitution was analyzed and the Ordinance of 1787 was dissected. The eloquence of the orators on both sides was impassioned. The hostility of the two sections of our country was confirmed and intensified. The opposing sides in the Congress participated in three great struggles before our State was admitted into the Union. A struggle for the restriction of slavery was the central theme in our political history during the nineteenth century. It culminated in the greatest civil war of human history. All other subjects in our congressional history had sunk into a place of secondary importance. mission of Missouri into the Union involved the merits of the whole controversy. It resulted in the admission of Missouri with the proviso that slavery should be forever excluded from all the Louisiana purchase north of 36 degrees and 30 minutes, which was the southern boundary of Missouri. This is a brief statement of the Missouri compromise. It was the adjustment of one of the most violent political struggles and was the outcome of one of the ablest, most prolonged and startling debates in the annals of the American Congress. The Fifteenth Congress had left Missouri without authority to organize as a State and this fact was the occasion for great excitement among our people. In July, 1820 a constitutional convention was held at St. Louis and in a feeling of deep resentment by the members of that convention they inserted a proviso into the constitution which declared that "it shall be the duty of the general assembly as soon as may be to pass such laws as may be necessary to prevent free negroes or mulattoes from coming to or settling in this State under any pretext whatsoever." This proviso added fuel to the flames. Missouri finally agreed to the fundamental condition of her admission and she was admitted by proclamation of the President on the 10th of August, 1821. The significance of Missouri and the Missouri compromise in this struggle was the notable change in the Southern mind on the slavery question; it gave evidence of the first clear demarcation between the Northern and Southern sections of our country; and in this controversy we stand at the threshold of the struggle which produced the Civil War. The issue was here defined. Missouri played the most significant part in that great issue and the Missouri compromise was the first great incitation point of the drama for which Abraham Lincoln was to be the

Washington and Jefferson and Madison had died despairing of the abolition of slavery. Calhoun died in despair at the growth of freedom, and upon his deathbed he advised the secession of the Southern States. California had determined to be admitted as a free State, and the death struggle for her was followed by an effort on the part of the South to recover what had been lost. In the confidence that they could secure Kansas, they demanded that the line 36-30 be abolished and that there should be no line established between freedom and slavery. In 1854 the Kansas-Nebraska bill was passed by the It repealed the Missouri compromise. The vast regions of the Northwest were opened to slavery. The conscience of America was again awakened. All efforts to silence the rising voice proved futile. All the good that had been accomplished by the compromises of former years was undone. The strife which Calhoun had foreseen was imminent. The vision which he had shuddered at was soon to be realized. The doctrine of squatter sovereignty, as announced by Douglas, proved a delusion and a snare. When the South demanded that the Kansas-Nebraska Territory be admitted with the right on the part of the people in those territories to determine whether they should have slavery, the country answered let it be so; let freedom and slavery compete for the Territories on equal terms, but let the competition be in a fair field, with no favors. The South knew that fair competition meant its defeat. It was necessary that an ally should be found. Successfu' attempts to destroy a Republic are usually found in the cooperation of one of its departments. The South found such an ally in the Supreme Court of the United States. The proposed admis-

The new school of the South determined to secure an equality of | sions of Kansas and Nebraska would normally have caused no ripple on waters otherwise untroubled. It was because the act repealed the Missouri compromise that the waters were lashed into a fury. This act w : the second great incitation point in the drama of the nineteenth

> Dred Scott was a slave who had been taken by his master from Missouri into free territory, and after several years spent there had been brought back to Missouri. He instituted a suit for his freedom in the Circuit Court of the City of St. Louis, and the case went to the Supreme Court of the United States. The court decided that Scott was not a citizen within the meaning of the Constitution of the United States, and had no right, therefore, before the court. The court then volunteered to come to the rescue of the new theory of slavery, and from its decision there lay no appeal but to the bar of humanity. Both Congress and the Terri'orial legislatures were declared to be impotent to prohibit slavery in the national domain. The Chief Justice declared that there are slave races, and that the slave is property, and that slave property is entitled to all the protection given by the Constitution to any other class of property. We are not concerned to-night with the soundness of that decision, and nothing is further from our purpose than to revive old issues. We are reciting the historical facts which contributed to the development and emergence of one who now belongs to the ages and is honored and loved throughout our land. It was believed in the North that the Dred Scott decision was against the Constitution, against the memory of the Nation, and against the rights of free labor.

> One more step was to be taken. The South resolved to establish a new government, with slavery as its corner stone. The old Whig Party failed to appear in the political contest. Lincoln was a Whig, but joined the new Republican Party, which succeeded to the traditions of the Whigs. The statesmen of experience in the country had failed to stem the tide. To whom should the people turn? Could they trust one whose wisdom was as the wisdom of little children-this child of nature, child of the West, child of America?

He told the people:

"This Union can not permanently endure half slave and half free. The Union will not be dissolved, but the United States will cease to be divided."

When he assumed office the States were flying from their orbits and wise men knew not where to find counsel. The Confederate States met and adopted their constitution. With his head above the clouds reflecting eternal sunshine he declared the Union unbroken and perpetual. and said he was undertaking "the simple duty of taking care that the laws be faithfully executed in all the States."

He died a tragic death, a martyr on the altar of freedom, and how strange and good it is that the story of his wonderful character and life so thoroughly submerges all the circumstances of that death.

The political philosophy of Lincoln comes straight from John Mar-Lincoln was the successor in thought to Marshall.

In the case of Cohens against Virginia, Marshall had said:

Instructed by experience, the American people in the conventions of their respective States adopted the present Constitution. The people made the Constitution and the people can unmake it. creature of their will and lives only by their will. But this supreme and irresistible power to make or to unmake resides only in the whole body of the people, not in any subdivisions of them."

The first great article in the statement of the political creed of those who follow in the train of Lincoln is: We believe in the indivisibility of the citizenship of all the people of the United States. We believe in a national citizenship in which the unlimited power of national govern-

Justice Waite said in United States against Cruikshank:

"We have in our political system a government of the United States and a government of each of the several States. Each one of these governments is distinct from the others, and each has citizens of its own who owe it allegiance, and whose rights within its jurisdiction it must protect. The same person may be at the same time a citizen of the United States and a citizen of a State, but his rights of citizenship under one of these governments will be different from those he has under the other. \* \* \* Experience made the fact known to the people of the United States that they required a national government for national purposes.

The people of the United States resident within any State are subject to two governments-one State and the other National-but there need be no conflict between the two. Powers which one possesses the other does not. They are established for different purposes and have separate jurisdictions. Together they make one whole and furnish the people of the United States with a complete Government, ample for the protection of all their rights at home and abroad."

The second article of our political faith is: We believe that every citizen of the United States is entitled to life, liberty, and the pursuit of happiness. This is not a meaningless phrase. Eternal vigilance is the price of liberty, and we must ever be on the alert and prepared to pay the price. The third article of our political faith is: We believe with Washington that "It is our true policy to steer clear of permament alliances with any portion of the foreign world."

Mr. Toastmaster, what is the basic reason in the minds of the American people against alliances with foreign countries? It is not that we shall have no foreign relations because we have always had and must always have such relations. It is not that we desire to be isolated, because in the nature of the organizations and activities of States and of peoples on the earth we have never been and can never be isolated. It is futile to talk of isolation or of any desire on our part for it. It is not that we desire not to be an instrument for good among the nations of the earth. We have never had such desire. Our record is good and not bad. We made Texas free; we gave freedom to Cuba; we returned to China the indemnity in money which we received on account of the Boxer uprising; our gifts to sufferers abroad have been spontaneous and generous; we arranged peace between Russia and Japan; we protected Venezuela from the designs of England; we pronounced the Monroe doctrine; and we built the Panama Canal. No; it is for none of these reasons. What then is the reason? The reason is found in our most precious heritage and our most revered tradition. It is something we all understand, but rarely express. May I attempt to interpret it?

Lincoln said, "This is a Government of the people, by the people, and for the people." There lies the reason. In this country we have the spirit of democracy. In this spirit of democracy there is the feeling of equality. In this feeling of equality there is the consciousness of Sovereignty of the people. In this consciousness of the sovereignty of the people a Government for the people is worked out by the people-of the people, by the people, for the people. Sovereignty is underived, unlimited, and indivisible power. It exists in every state on earth and must reside somewhere in every state. In America only does sovereignty reside in the people. So long as this unlimited power of government is distributed equally among all the people the people will be free. Whenever this great power resides in an emperor or a king or an oligarchy or a parliament or in any branch or branches of government the people will not be free. In Japan they have an Emperor, and the people worship his person, and sovereignty resides in We wish the Japanese people were free, even as we are free. We will always have respect for the international rights of Japan, but we will never so far forget ourselves-forget the genius of our political institutions-forget our history and our traditions-forget Washington, Jefferson, Madison, Webster, Clay, and Lincoln-as to make an alliance with Japan in the League of Nations for the stifling of freedom in the hearts and lives of other members of the human race.

Jesus said, "Ye shall know the truth and the truth shall make you free," and we have learned the truth of God in our consideration of the rights of man. Again, he said, "And I, if I be lifted up, will draw all men unto me"; and so we say that God has given America to the world as a hope for the aspirations of all the people of the earth and has set her as a watch tower among the nations. If all the people of the earth were free, even as we are free, there would be no occasion for alliances among governments to enforce peace. With our hopes and prayers for all the people of the earth, we can not "undertake to respect and preserve the territorial integrity and existing political independence of all the members of the League of Nations," as article 10 of the covenant of the League of Nations binds its members to do. Such an alliance would make us false to every article of our political faith. We believe also that we should not enter a court which is the creature of such an agreement and which is bound to interpret and apply the provisions of such a contract. We can not consort nor make common cause with foreign nations in alliances which admit of equality of political ideals with our own. We can not accept nor tolerate such unions. It would be political debasement which those who love America are not ready to accept and, under God, will never be. Have I correctly sensed and stated the basic reason for our desire and purpose to maintain our independence and abstain from entangling alliances? This is part of the creed of the party of Lincoln. Friendly alliances of governments in which some of the people are sovereign and free and some of them are slaves is just as great a fallacy as it was for America to be and continue half slave and half free.

Finally, we believe that the Republican Party, if it is to continue worthy of the high calling whereunto it was called by Lincoln, and worthy to conduct the affairs of government under the Constitution of the United States, must never forget that this is a Government of the people, by the people, and for the people.

## PREPARE NOW FOR THE NEXT STRIKE

Mr. HARRISON. Mr. President, I ask unanimous consent to have inserted in the Record and referred to the Committee on Mines and Mining an editorial from the New York Evening World of Monday, February 15, 1926, entitled "Prepare now for the next strike."

There being no objection, the editorial was referred to the Committee on Mines and Mining and ordered to be printed in the RECORD, as follows:

# PREPARE NOW FOR THE NEXT STRIKE

The coal strike is over, but it will be near the 1st of March before the effect can be felt on the market, and nothing has been done thus

far, through proper legislation, to prevent a repetition of the gouging and suffering to which the public has been subjected.

The strike was ended without the intervention of the President, who expressed his indifference within a week of the settlement. It would require no little temerity to credit him with any part of the triumph. Had he not made it clear in the beginning that he considered the strike a purely private quarrel of miners and operators with which the public had no right to interfere there would have been a settlement long ago.

In the distribution of credit no little part of it should go to Senator COPELAND for his persistency in fighting for his resolution, despite defeats, until he had mobilized his party behind his demand for governmental action. The final adoption of his resolution was the most notable personal triumph of the session.

The moment it became clear through the vote on that resolution that legislation, drastic enough to meet the intolerable situation, was inevitable, the anthracite industry saw the handwriting on the wall and acted

Even so, the public's fight has not yet been won, nor will it be won until there is legislation to meet such a situation in the future. The Democrats in the Senate are to caucus on coal legislation, and they should go ahead regardless of the settlement. Preparedness is just as important where the pocketbooks and the health and even the lives of the people are concerned as where the remote possibility of the attack by a foreign foe is involved.

The way to prevent a repetition of the suffering and loss of the entire winter of 1925-26 is to enact legislation now to prevent it. The sooner the coal industry knows that no one is a "trustee under God" to do with coal as he sees fit, the sooner the callous indifference to the public's right to fuel will be ended.

#### UNRESTRICTED BAILROAD CONSTRUCTION

Mr. MAYFIELD. Mr. President, I give notice that on Friday next, after the morning hour, I shall address the Senate on the question of unrestricted railroad construction.

### PETITIONS AND MEMORIALS

Mr. WARREN presented a memorial of the Woman's Club, of Greybull, Wyo., remonstrating against any extension of the boundaries of the Yellowstone National Park, which was referred to the Committee on Public Lands and Surveys.

Mr. KENDRICK. Mr. President, I ask unanimous consent to present a petition signed by 1,691 people of my town and community earnestly requesting a modification of the Volstead Act. The signers of this petition are from every walk of life and engaged in every vocation, and it would be difficult to find a more representative group of people than those who have signed this petition. There is a short statement forming the body of the petition which I ask to have read, and I also ask that the petition be appropriately referred.

The VICE PRESIDENT. Without objection, the body of the petition will be read.

The petition was read and referred to the Committee on the Judiciary, as follows:

SHERIDAN, WYO., December 23, 1925.

Hon. JOHN B. KENDRICK, Hon. Francis E. Warren, Hon. Charles E. Winter,

Washington, D. C.

Gentlemen: We, the undersigned citizens of the United States of America and of the State of Wyoming, do hereby most earnestly petition and request that you employ your most strenuous efforts in the enactment of legislation which will tend to correct the present deplorable condition of crime and disrespect for law which is so general and which is in part, if not entirely, due to the experiment of prohibition.

The undersigned persons do not favor a return to old conditions. They do not ask, and would not favor, the reestablishment of the open saloon. But they do feel that it has now been demonstrated that the American people are not ready to accept prohibition and that no law is enforceable without the moral sanction of the people, especially when such law attempts to probibit something that is not inherently evil.

We most respectfully direct your honorable attention to the regulation and control of the liquor traffic in the various provinces of Canada and generally to conditions in the Old World, where long experience has taught that it is impracticable to regulate the human diet by legislation.

The jails and penitentiaries of the country are filled to capacity. Lawlessness was never more widespread. Certainly these conditions are attributable, in part at least, to the unsatisfactory Volstead Act. We urge on behalf of the free American people that you endeavor to find a remedy for this unhappy situation which, we believe, finds its root in sumptuary legislation which interferes with the originary course of human conduct and breeds a disregard for all constituted authority.

We, therefore, favor the modification of the Volstead Act to permit, under proper regulations, the use of light wines and beer.

Mr. CAMERON. Mr. President, I present eight telegrams from officers and members of the railway brotherhoods in the State of Arizona, protesting against any amendment of the Federal employers' liability act, which I ask to have printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the telegrams were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

PHOENIX, ARIZ., February 3, 1926.

Senator RALPH CAMERON,

Washington, D. C .:

We are opposed to amending Federal employees' liability law. Please use your influence against same.

H. A. WRIGHT,

Chairman State Legislative Board Brotherhood of Locomotive Firemen and Enginemen.

Tucson, ARIZ., February 2, 1926.

Hon. RALPH H. CAMERON,

United States Senate, Washington, D. C .:

Please oppose any amendments to Federal liability act that will in any way restrict employees' rights to file damage suits as at present. Present law satisfactory as it is.

CECIL RICHARDSON, Chairman Arizona State Legislative Board, Brotherhood Locomotive Engineers, Tucson, Ariz.

Douglas, Ariz., January 29, 1926.

Hon. RALPH CAMERON,

Capitol Building, Washington, D. C .:

Trainmen of 868 protest any changes Federal employees' liability C. M. GRAY.

WINSLOW, ARIZ., January 30, 1926.

The Hon. RALPH H. CAMERON,

United States Senate, Washington, D. C .:

Representing all locomotive engineers in Arizona, ask that you oppose any amendments to Federal employees' liability act that will tend to M. J. PHARES. weaken same.

Secretary Engineers' Legislative Board.

WINSLOW, ARIZ., January 30, 1926.

Washington, D. C .:

Protesting against changes in Federal employees' liability act. Represent 700 trainmen in Arizona.

G. W. NELSON.

Vice Chairman B. R. T. Legislative Board.

PHOENIX, ARIZ., January 28, 1926.

Senator RALPH CAMERON.

Senate Building, Washington, D. C.: Representing 700 Arizona trainmen, protest proposed changes Federal employees' liability act.

V. A. WOOD,

Secretary Arizona Legislative Board.

GLOBE, ARIZ., January 30, 1926.

Hon. RALPH CAMERON,

Senate Building, Washington, D. C .:

Arizona legislative board Brotherhood of Locomotive Firemen and Enginemen, State of Arizona, protest proposed changes Federal em-

ARIZONA LEGISLATIVE BOARD, BROTHERHOOD OF LOCOMOTIVE

FIREMEN AND ENGINEMEN,

ROY KIRKPATRICK, Secretary and Treasurer.

WINSLOW, ARIZ., February 1, 1926.

Hon. SENATOR CAMERON.

Washington, D. C .:

Representing Locomotive Firemen, Arizona, protest proposed changes in Federal employees' liability act.

Member Arizona Legislature Board.

## THE WORLD COURT

Mr. ASHURST. I ask unanimous consent to have printed in the RECORD a letter sent to me from the Women's World Court Committee in this city, and I also ask that it may lie on the

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

FEBRUARY 13, 1926.

Hon. HENRY F. ASHURST,

United States Senate, Washington, D. C.

DEAR SIR: The members of the Women's World Court Committee, representing the organizations whose names are listed below, wish to express their cordial appreciation of your support of the resolution for the entrance of the United States into the Permanent Court of International Justice.

The women of these organizations believe that the Senate has acted with wisdom and foresight in making clear the desire of this Nation to share in the establishment of legal methods for the settlement of international disputes.

Sincerely yours,

Mrs. Raymond Morgan, for the American Association of University Women; Selma Borchardt, for the American Federation of Teachers; Helen Atwater, for the American Home Economics Association; Lucy Minnigerode, for the American Nurses' Association; Florence E. Quinlan, for the Council of Women for Home Missions; Kate Trenholm Abrams, for the General Federation of Women's Clubs; Louise Tayler-Jones, for the Medical Women's National Association; Mrs. George Hyman, for the National Council of Jewish Women; Mrs. Glen Levin Swiggett, for the National Council of Women; Charl O. Williams, for the National Education Association; Mary F. Thompson, for the National Federation of Colored Women; Maud Wood Park, for the National League of Women Voters; Cora W. Baker, for the National Service Star Legion; Lenna Louie Yost, for the National Woman's Christian Temperance Union; Elizabeth Eastman, for the National Board of Young Women's Christian Associations; Florence V. Watkins, for the National Congress of Parents and Teachers; Margaret C. Maule, for the National Council of Girls' Friendly Societies in America.

#### REPORTS OF COMMITTEES

Mr. BROOKHART, from the Committee on Claims, to which was referred the bill (S. 492) for the relief of Swend A. Swendson, reported it with an amendment and submitted a report (No. 188) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 867) authorizing the Secretary of the Treasury to pay the Columbus Hospital, Great Falls, Mont., for the treatment of disabled Government employees, reported it with an amendment and submitted a report (No. 189) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1047) to reimburse the State of Montana for expenses incurred by it in suppressing forest fires on Government land during the year 1919 (Rept. No. 190); and

A bill (S. 1463) to provide relief for the victims of the

airplane accident at Langin Field (Rept. 191).

Mr. NORBECK, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, reported it with amendments and submitted a report (No. 192) thereon.

## BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows

By Mr. CUMMINS:

A bill (S. 3170) to provide compensation for employees injured and dependents of employees killed in certain maritime employments, and providing for administration by the United States Employees' Compensation Commission; to the Committee on the Judiciary.

By Mr. LENROOT:

A bill (S. 3171) granting a per capita payment of \$100 to the Menominee Indians of Wisconsin; to the Committee on Appropriations.

By Mr. EDGE:

A bill (S. 3172) to amend and supplement the merchant marine act, 1920, and the shipping act, 1916, and for other purposes; to the Committee on Commerce.

By Mr. BRUCE:

A bill (S. 3173) granting the consent of Congress to the State Roads Commission of Maryland, acting for and on behalf of the State of Maryland, to alter and widen the bridge, and alter, widen, and reconstruct the draw span of the present highway bridge across the Susquehanna River, between Havre de Grace in Harford County and Perryville in Cecil County; to the Committee on Commerce.

By Mr. JONES of Washington:

bill (S. 3174) for the relief of the Alaska Steamship Co.;

to the Committee on Claims,

A bill (S. 3175) granting an increase of pension to John W. Garner (with accompanying papers); to the Committee on

By Mr. PHIPPS:

A bill (S. 3176) to eliminate certain privately owned lands from the Rocky Mountain National Park and to transfer certain other lands from the Rocky Mountain National Park to the Colorado National Forest, Colo.; to the Committee on Public Lands and Surveys.

A bill (S. 3177) to establish a fish-cultural station in the State of Colorado as an auxiliary to the Leadville (Colo.) fisheries station; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 3178) to extend the time for the construction of a bridge across the Rio Grande between Eagle Pass, Tex., and

Piedras Negras, Mexico; to the Committee on Commerce.

A bill (S. 3179) to extend the benefits of the employers' liability act of September 7, 1916, to Alton Harwell; to the Committee on Claims.

By Mr. DALE:

A bill (S. 3180) regulating the use of the Custis Mansion House in Arlington National Cemetery, and for other purposes; to the Committee on Military Affairs.

By Mr. WADSWORTH:
A bill (S. 3181) to amend the act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906; to the Committee on Immigration.

By Mr. SHEPPARD:

A bill (S. 3182) for a survey of the waterway between Jefferson, Tex., and Red River; to the Committee on Commerce.

By Mr. GEORGE:

A joint resolution (S. J. Res. 58) authorizing the Librarian of Congress to return to Solomon's Lodge, No. 1, Ancient Free and Accepted Masons, of Savannah, Ga., the minute book of the Savannah (Ga.) Masonic Lodge; to the Committee on the Library.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. LENROOT submitted an amendment intended to be proposed by him to House bill 6707, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 63, after line 25, insert the following:

"So much as may be necessary of the tribal funds of the Menominee Indians of Wisconsin arising under the act of June 12, 1890 (26 Stat. L., p. 146), and March 28, 1908 (35 Stat. L., p. 51), is appropriated to enable the Secretary of the Interior to make therefrom a per capita payment or distribution of not to exceed \$100 to such Indians entitled thereto under such rules and regulations as he may prescribe,"

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had temporarily excused Mr. HAWLEY from service as a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill the tax reduction bill, and that Mr. BACHARACH was appointed in his place.

The message also announced that the House had passed an act (H. R. 8917) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes, in which it re-

quested the concurrence of the Senate.

# ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1493. An act to provide for the inspection of the battle fields and surrender grounds in and around old Appomattox Court House, Va.;

S. 2464. An act to amend section 95 of the Judicial Code, as amended:

H. R. 4032. An act granting the consent of Congress to the Brownsville & Matamoros Rapid Transit Co. for construction of a bridge across the Rio Grande at Brownsville, Tex.: and

H. R. 6515. An act granting the consent of Congress to the Gateway Bridge Co. for construction of a bridge across the Rio Grande between Brownsville, Tex., and Matamoros, Mexico.

GOVERNMENT FUEL YARDS IN THE DISTRICT OF COLUMBIA

The VICE PRESIDENT. Resolutions coming over from the previous day are in order, and the Clerk will state the first one.

The CHIEF CLERK. A resolution (S. Res. 132) submitted by the Senator from Nebraska [Mr. Howell] on the 1st instant, directing the Committee on the District of Columbia to provide for selling domestic coal to the citizens of the District of Columbia through the Government fuel yards.

Mr. CURTIS. I ask that the resolution may go over. The VICE PRESIDENT. The resolution will be passed over, and the next one will be stated.

### COST OF PRODUCTION OF DAIRY PRODUCTS

A resolution (S. Res. 146) submitted by the Senator from Wisconsin [Mr. LENROOT] on the 15th instant, directing the Tariff Commission to inquire into the cost of production of certain dairy products in the United States and in the countries from which the importation of such products come and report its finding to the President.

Mr. CURTIS. I have not had time to read the resolution. wish the Senator from Wisconsin would let it go over until

to-morrow

Mr. LENROOT. The Tariff Commission have been engaged for a year and a half in the investigation of butter. dairy interests of the country are very anxious that they shall institute an investigation with reference to cream and milk in connection with it.

Mr. CURTIS. Has the Senator talked with members of the

commission about it?

Mr. LENROOT. I have not, but representatives of the dairy interests have done so, and I understand the commission have

Mr. CURTIS. With the understanding that the matter has been presented to the commission and that they have no objection, I have no objection.

Mr. LENROOT. I can only say that it was reported to me

by others that the commission have no objection.

Mr. CURTIS. If the matter may go over until to-morrow morning, I will take it up with the Tariff Commission in the meantime

Mr. LENROOT. If the Senator has any doubt about it-Mr. CURTIS. I am perfectly willing to take the Senator's word for it.

Mr. LENROOT. I can not give my personal assurance.

Mr. CURTIS. I wish the Senator would let the resolution go over until to-morrow

Mr. JONES of Washington. Mr. President, may I ask the Senator from Wisconsin if the commission have not authority to take up such a matter without the adoption of a resolution?

Mr. LENROOT. I think so; but they are very much disinclined to take up anything, even though it is supplemental to something they are now investigating, without a resolution.

The VICE PRESIDENT. The resolution will go over without prejudice. Morning business is closed. The Chair lays before the Senate a bill from the House of Representatives for reference.

## HOUSE BILL REFERRED

The bill (H. R. 8917) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes, was read twice by its title and referred to the Committee on Appropria-

## THE CALENDAR

Mr. CURTIS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar, beginning at Calendar No. 73, and so continue until 2 o'clock

The VICE PRESIDENT. Without objection, it is so ordered. The Clerk will state the first bill on the calendar.

Mr. FLETCHER. Mr. President, I suggest the absence of a

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Brookbart	Copeland	Dill
Bayard	Broussard	Couzens	Edge
Bingham	Bruce	Cummins	Edward
Blease	Butler	Curtis	Ernst
Borah	Cameron	Dale	Fernald
Bratton	Capper	Deneen	Ferris

Fess Fletcher Frazier George Glass Goff Gooding Greene Hale Harris Harrison

Heflin

Howell Jones, Wash. Kendrick King La Follette Lenroott
Lenroott
McKellar
McKinley
McLean
McMaster
McNary
Mayfield
Metcalf
Neely

Norbeck Nye Oddie Oddle Overman Phipps Pittman Reed, Pa. Robinson, Ind. Sackett Sheppard Shipstead Shortridge Simmons Smith

Smoot Stephens Swanson Trammell Tyson Underwood Wadsworth Walsh Warren Watson Wheeler Williams Willis

Mr. JONES of Washington. I desire to announce the absence of the Senator from California [Mr. Johnson] and the Senator from Minnesota [Mr. Schall] on account of illness.

Mr. EDGE. I desire to announce that the Senator from Pennsylvania [Mr. Pepper] is absent on business of the Senate. The VICE PRESIDENT. Seventy-nine Senators having answered to their names, a quorum is present.

INQUIRY INTO COST OF PRODUCING MILK AND BUTTER

Mr. CURTIS. Mr. President, some time ago I asked that Senate Resolution No. 146, submitted by the Senator from Wisconsin [Mr. Leneoot], go over without prejudice. I have telephoned the Tariff Commission, and I think, in view of the status of the investigation, which they are at present conducting, that the resolution may be acted upon at this time. I ask unanimous consent that it may be considered.

Mr. KING. Let the resolution be read. The Chief Clerk read the resolution (S. Res. 146) submitted by Mr. Lenroot on February 15, 1926, as follows:

Whereas for nearly two years the United States Tariff Commission has been conducting an investigation into the cost of production of butter in the United States and in those countries from which our importations of butter come that it might report its findings to the President, who might, if the facts found warrant, increase the duty on imported butter: and

Whereas many facts of great value to the butter industry of the United States have been adduced by this inquiry, and the report of the commission, not yet made, irrespective of the action of the President thereon, is expected to be of very considerable additional value; and

Whereas the same general reasons for the investigation of butter apply with at least equal force to a like investigation of cream and of milk, sweet, sour, or buttermilk; and

Whereas, also, for the month of December, 1924, the importations of cream into the United States amounted to 236,195 gallons of the value of \$384.836; for the month of December, 1925, the importation of cream into the United States amounted to 257,987 gallons of the value of \$452,435; for the year 1924 the importations of cream amounted to 4,197,449 gallons of the value of \$6,141,133; and the importations for 1925 amounted to 5,171,788 gallons of the value of \$7,591,930; for the month of December, 1924, the importations of milk, sweet, sour, or buttermilk, into the United States amounted to 393,587 gallons of the value of \$75,457; and for the same month of 1925 the importations amounted to 576,078 gallons of the value of \$102,995; and for the year 1924 the importations amounted to 5,192,344 gallons of the value of \$827,586; and for the year 1925 the importations of milk, sweet, sour, or buttermilk, amounted to 7,422,133 gallons of the value of \$1,242,063; and

Whereas the large, rapidly increasing importations of these dairy products have resulted in a decline in their prices in many portions of the United States, so that now these prices are but little, if any, above the reasonable normal cost of production; Therefore be it

Resolved, That the United States Tariff Commission be, and it is hereby, requested forthwith, under the provisions of section 315 of the act approved September 21, 1922, to make an inquiry into the cost of the production of cream and of milk, sweet, sour, or buttermilk, in the United States and in those countries from which our importations of these dairy products come and to report its findings to the President of the United States with the purpose that under this finding the President may be warranted in determining and in proclaiming an increase in the duties on cream and on milk, sweet, sour, or buttermilk.

Mr. KING. Mr. President, do I understand that action is desired on this resolution now?

Mr. LENROOT. I should like to have action upon the resolution now.

Mr. KING. The resolution involves a very important matter. I think it had better go over until to-morrow.

Mr. LENROOT. The resolution has been pending for three days and has previously gone over. May I say to the Senator from Utah that the Tariff Commission has been engaged for more than a year and a half in the investigation of the cost of butter and that the commission is almost ready to make its report. The commodities covered by the pending resolution, especially cream, are very closely related to butter, and it is very desirable that the commission shall include cream in its | being the words:

report. It is demanded by the dairy interests all over the country, and I sincerely hope that the Senator from Utah will not object to the present consideration and adoption of the resolution.

Mr. KING. Mr. President, as I understand, the Tariff Commission has already been making extensive investigations in regard to this matter?

Mr. LENROOT. In relation to butter which, of course, would involve milk and cream.

Mr. KING. I shall not object to the consideration of the resolution. It does seem to me, though, that the consuming public, especially in the large cities, are deeply interested in this matter. Thousands of little children are getting an inadequate supply of milk and cream and butter, and thousands of poor people in the industrial sections are denied such food products as butter, cream, and milk. It seems to me as though we are interested too much in our legislation in affording protection to various industries and that too little interest is being given to the consumer. I understand the movement which is on in our country to-day is toward monopolies and trusts and combinations to keep up prices and to enhance prices, all to the disadvantage of the consumer. I do not know whether that movement can be stopped. This seems to be along the same line of the general movement.

Mr. SMITH. Mr. President, I desire to ask the Senator from Wisconsin if the object of the resolution is merely to authorize the Tariff Commission to investigate as to cream

as it has investigated as to butter? Mr. LENROOT. Yes; it is to authorize the Tariff Commission to investigate as to cream and milk. That is all. It determines nothing, but merely requests the Tariff Commission to make this investigation, which is really supplemental

to the investigation they have been conducting. Mr. SMITH. And to report the facts as they will do in reference to butter.
Mr. LENROOT. Exactly.

Mr. COPELAND. Does not the very last line of the resolution say that the material gathered is to be used with a view to an increase in the tariff duties?

Mr. LENROOT. It recites that the finding shall be reported to the President of the United States-

with the purpose that under this finding the President may be warranted in determining and in proclaiming an increase in the duties on cream, and on milk, sweet or sour, or buttermilk.

that is the purpose of the investigation if the findings of the commission shall warrant such action, but that will depend wholly upon the facts. I am perfectly willing, however, to strike that out. It means nothing.

Mr. COPELAND. I think it should be stricken out. Mr. LENROOT. I am perfectly willing to have it stricken

Mr. COPELAND. Further, I should like to ask: Does the resolution apply also to sweet milk that is shipped in from

Mr. LENROOT, Yes. Mr. COPELAND. Is the Senator aware of the fact that the city of New York has a very considerable quantity of milk shipped in from Canada?

Mr. LENROOT. Yes; and I expect that will continue; but I will say to the Senator, and in response to what the Senator from Utah [Mr. King] has said, that the users of milk and cream in this country are more interested in keeping up the dairy herds within our own borders than they are in importations of cream and milk from Canada. I may add that this is demanded by the entire dairy interests of the country.

Mr. COPELAND. I agree with the statement of the Sena-er. Regardless of price, milk is the cheapest food to be had by the people, and it is necessary to encourage the dairy industry in every way possible; and yet, after all, I am sure the Senator would not wish to impose any unnecessary burden upon the people of what might be called the border States.

Mr. LENROOT. No. Mr. COPELAND. And I assume that the Senator has no such thought in mind.

Mr. LENROOT. All I ask is that the dairy interests may be put upon an equality with other interests; that is all.

Mr. COPELAND. That is perfectly reasonable, and, having stricken out the lines to which I have called attention I have no objection.

Mr. LENROOT. I ask to modify the resolution by striking out, on page 3, all after the words "United States," in line 6,

with the purpose that under this finding the President may be war- ! ranted in determining and in proclaiming an increase in the duties on cream, and on milk, sweet or sour, or buttermilk,

Mr. DILL. Mr. President, what is the present tariff on cream and milk, I will ask the Senator from Wisconsin?

Mr. LENROOT. Under the present tariff act the duty on fresh milk is 21/2 cents a gallon; on sour milk and buttermilk 1 cent a gallon; and on cream 20 cents a gallon.

The VICE PRESIDENT. Without objection, the resolution will be modified as requested. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

CAPT. EDWARD T. HARTMANN AND OTHERS

The VICE PRESIDENT. The calendar under Rule VIII is in order. The first bill on the calendar will be stated.

The Senate as in Committee of the Whole proceeded to consider the bill (S. 1631) for the relief of Capt. Edward T. Hartmann, United States Army, and others, which was read as

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Capt. Edward T. Hartmann the sum of \$272.50; Capt. Frederick G. Lawton, the sum of \$1,400; Capt. Frank B. Watson, the sum of \$1,500; and Capt. James Ronayne, United States Army, the sum of \$1,658, which sums, or so much thereof as may be necessary, are hereby appropriated, out of any money in the Treasury not otherwise appropriated, said sums to be payment in full for all losses of personal property incurred by them by reason of the sinking of the U. S. transport Meade in the harbor of Ponce, P. R., on or about May 16, 1899: Provided, That the accounting officer of the Treasury shall require a schedule and affidavit from each, such schedule to be approved by the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIS B. CROSS The bill (S. 2127) for the relief of Willis B. Cross was aunounced as next in order.

Mr. KING. Mr. President, that bill has been reported adversely from the committee. In view of that fact, I move that its consideration be indefinitely postponed.

Mr. NEELY. Mr. President, will the Senator repeat his statement?

I say, the bill having been reported adversely, Mr. KING. I move its indefinite postponement.

The VICE PRESIDENT. The question is upon the motion

of the Senator from Utah.

The motion to postpone indefinitely was agreed to.

## BILL PASSED OVER

The bill (S. 575) to amend section 4 of the interstate commerce act was announced as next in order.

Mr. WILLIS (and other Senators). Let that go over. The VICE PRESIDENT. The bill will be passed over.

# CITY OF BALTIMORE, MD.

The bill (S. 451) for the relief of the city of Baltimore was announced as next in order.

Mr. LENROOT. Let that go over, Mr. President. The VICE PRESIDENT. The bill will be passed over.

Mr. BRUCE. Mr. President, I trust the Senator from Wisconsin will allow me to express the hope that he will withdraw that objection. This bill has passed the Senate twice. Twice have favorable reports on it come up from the Senate

Committee on Claims, and twice has it been passed by the Mr. LENROOT. May I ask the Senator when it was passed?
Mr. BRUCE. During the Sixty-seventh and Sixty-eighth
Congresses. I am sure that if I can say just a few words in

explanation of the bill, the Senator from Wisconsin will see the instice of it.

Mr. LENROOT. Before the Senator does that, will be give the reason why it was not brought before the Congress prior to the Sixty-seventh Congress?

Mr. BRUCE, I will.

Down to a decision of the Supreme Court of the United States, New York v. The United States (160 U. S.), the principal amounts of debts incurred by various communities in the United States in aiding the national defense during the Civil War were allowed to be refunded to the States, but not in-terest on those amounts. Then the Supreme Court of the United States held, in the case that I have just mentioned, in which the State of New York had incurred a considerable indebtedness for the purpose of arming the militia of that State during the Civil War, that there was no more reason why the Federal Government should refund principal amounts contrib-

uted by the States to the Union cause during the Civil War than there was why it should refund the interest on those amounts; and after that decision of the Supreme Court was written no less than 17 States of this Union secured the relief the way for which was smoothed by it. Only very recently no less a sum than two hundred and some thousand dollars was refunded to the State of Massachusetts.

Before that decision of the Supreme Court the principal amount of the indebtedness incurred by the city of Baltimore during the Civil War for the purpose of aiding the Federal Government in establishing proper defenses at the city of Baltimore was refunded to the city of Baltimore pursuant to an act passed by Congress, but no interest on that sum was refunded. The amount of principal refunded was some \$96,000. Then, of course, interest accumulated on that sum. It ran along for many years at 6 per cent, and then there was this decision of the Supreme Court of the United States saying that the National Government was under just as much of an obligation to refund interest as to refund principal in those cases where local communities of the country during the Civil War had come to the succor of the Federal Government.

The city of Baltimore now asks Congress to authorize the payment to it of the interest on that principal sum of \$96,000. As I have said, similar relief has been granted by Congress in the case of 17 States of the Union, as the report connected with

this bill will show.

Mr. WILLIS. Mr. President, I desire to ask the Senator whether he knows what the practice is in this behalf touching private claims—that is to say, the claims of individuals? Does the same rule obtain?

Mr. BRUCE. No; I should not think it would.

Mr. WILLIS. Why should it not?

Mr. BRUCE. It does not seem to me that it is necessary for me to go into that question. That is irrelevant to the question I am discussing now. In this case the city of Balti-more incurred a bonded indebtedness for the purpose of raising the money with which to assist the Federal Government to establish defensive works at Baltimore.

Mr. WILLIS. Mr. President, I am not assailing the Senator's position nor his bill. I am simply calling attention to a fact, which perhaps was impressed upon my mind because a very meritorious claims bill that I had here in the last Congress was rejected, so far as the interest item was concerned, upon the statement, as I recall, by the committee—a statement which I accepted, of course, at its face value—that in claims of this character the Government never would allow interest. So that seems to be the rule: If the individual has something coming to him from the Government, the Government will not permit interest to be paid; but, as the Senator has explained, in numerous instances where municipalities and States have incurred debts they are permitted to have interest

It seems to me what is sauce for the gander ought to be sauce for the goose. I do not complain about the Senator's bill. but I do complain about the rule that is enforced as to private individuals.

Mr. BRUCE. Abstractly, there may be a considerable measure of justice in the view that the Senator is taking of the matter; but in point of fact all the precedents since that decison of the Supreme Court of the United States have been uniformly in favor of the refund of interest to the States or the cities of the Union on amounts of indebtedness incurred by the States or the cities of the Union in aid of the Federal Government during the war.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. BRUCE. Yes.

Mr. LENROOT. I have just hastily glanced at the report, and I find that reference is made to Exhibt B as to 17 States which have received a reimbursement; but I find this in the report:

In the matter of reimbursement for interest paid on bonds issue with which to raise funds-

Evidently that means to reimburse the States for money actually paid by the States as interest upon their bonds, which not this case.

Mr. BRUCE. Yes; it is.

Mr. LENROOT. The Senator would not say that the city of Baltimore has paid 6 per cent on this principal sum from the date of the Civil War to this time?

Mr. BRUCE. I can not speak with exactitude about that, but I think it is fair to infer that it has done so. This bonded indebtedness, mind you, was put out during the Civil War, at

a time, of course, when interest rates were very high.

Mr. LENROOT. Does the Senator think the city of Baltimore has paid 6 per cent on that fund up to this time?

Mr. LENROOT. I am speaking of the fact, because I know of no city that has paid a rate of 6 per cent during all this

Mr. BRUCE. Not on indebtedness incurred during the Civil

Mr. LENROOT. I mean, they have refunded their bonds

and issued them at a very much lower rate.

Mr. BRUCE. Yes; but these bonds ran for only 30 years. The Senator knows that it is no uncommon thing for a municipal bond to run for a period of 30 years; so there could not be any change in the rate of interest during that time. The bonds were held by bondholders who were only too glad, of course, to hold them at such a rate of interest.

Mr. LENROOT. What does the Senator say about what happened when the bonds became due?

Mr. BRUCE. As I tell the Senator, I can not tell and the report here does not show exactly when those bonds became due; but I think it is highly probable that they, being put out during the exigencies of the Civil War, ran for a long period. Sometimes the bonds of the city of Baltimore run for a period of 80 or 90 years.

Mr. LENROOT. I hope the Senator will get that information. I think the city of Baltimore ought to be repaid every dollar of principal and interest that it has had to pay; but if the city of Baltimore has been able during all this time to borrow money for 4 per cent, I do not think the Senator would say that the United States Government should pay it 6 per cent.

Mr. BRUCE. Of course, if the bonds have continued down

until a recent time-

Mr. LENROOT. I say, if they paid that amount of interest, I would agree with the Senator.

Mr. BRUCE. They would continue at the same rate of interest that was fixed when the bonds were issued, because, of course, no bondholders who had their wits about them would surrender bonds bearing 6 per cent interest for bonds bearing a lower rate of interest. I do think, if I may be allowed to say so, that it would be the most invidious discrimination, the grossest injustice, after refunds of this kind have been made to so many States in the Union, and after the State of Massachusetts within the last year or so has had a refund of some \$233,000, for this refund to be denied to the city of Baltimore.

Mr. WILLIS. Mr. President, as I understand the Senator's bill, it proposes to reimburse simply the amount of the interest.

Am I correct in that assumption?

Mr. BRUCE. That is all.
Mr. WILLIS. I call the Senator's attention to the fact that the principal sum of \$96,152 raised as a result of this bond issue was reimbursed to the city of Baltimore in 1879.

Mr. BRUCE. Yes; I stated that. Mr. WILLIS. I did not hear the Senator. What I was about to ask the Senator was this: I have not had time to compute it, but it seems hardly possible that from 1863 to 1879 such an amount of interest as \$173,000 could have accumulated.

Mr. BRUCE. It is so stated there.

Mr. WILLIS. I know it is stated there.
Mr. BRUCE. The interest had not run simply from 1879. The interest would run from the date of the issue of the bonds. Mr. WILLIS. But the Government repaid the principal

Mr. BRUCE. Yes.
Mr. WILLIS. There is no reason why the United States should be compelled to pay interest since 1879.

Mr. BRUCE. Yes, there is. If it was a proper thing that the Government should refund the interest at all, it should refund it from the very beginning; not simply from the time when its policy in reference to interest changed.

Mr. LENROOT. Does not the Senator think the United States should be allowed interest upon the sum that it paid from the time it was paid?

Mr. BRUCE. I take it for granted that due credit was made for the partial payment.

Mr. WILLIS. That does not show.
Mr. BRUCE. I do not know. I have not gone into any calculation about it. It was not my business to do that.

The principal sum having been repaid in 1879, it obviously would be entirely unfair to require the Government of the United States to pay interest on a debt which it had already paid.

Mr. BRUCE. The interest, of course, was calculated-must have been calculated—by the committee. The bill has been under consideration in the Committee on Claims twice, and twice has the committee reported it favorably to the Senate,

Mr. BRUCE. Why should it not do so if the indebtedness | and twice has this body passed it. It just happens that I have not gone into an arithmetical calculation to see whether that calculation of interest is correct or not. I assume it is.

Mr. WILLIS. The Senator agrees with me, does he not, that there should not be any interest paid by the United States for any period subsequent to 1879? He agrees with that statement, does he not?

Mr. BRUCE. I do not know that that is correct.
Mr. WILLIS. The principal was paid them. Why should the Government of the United States be compelled to pay interest on a debt after it has paid the debt?

Mr. BRUCE. It has not paid the whole debt.
Mr. WILLIS. It paid the principal in 1879.
Mr. BRUCE. The principal commenced to run, and interest commenced to run on the principal at the same time the principal commenced to run, of course. The Government has never done anything except refund the principal. Of course, after the Government refunded the principal, interest on the debt due by the city of Baltimore kept on running.

Mr. WILLIS. That is the business of the city of Baltimore. There is no reason why the Government of the United States should continue indefinitely to pay interest on a debt the principal of which it paid in 1879. If the Senator can convince me that this amount of interest is due for the period from 1863 to 1879, I shall be entirely agreeable to his bill. Will not

the Senator let the matter go over temporarily?

Mr. BRUCE. Why should the right of the city of Baltimore to a refund of the interest on the amount for which it was liable cease simply because the Government paid back the

principal?

Mr. WILLIS. It would be unfair to require the Government to pay interest on a debt it had already paid.

Mr. BRUCE. The indebtedness of the city of Baltimore kept on running

Mr. WILLIS. That is not the fault of the Government when

the Government has paid its debt.

Mr. BRUCE. I take it for granted, and it seems to me the Senator from Ohio should take it for granted, that when this calculation was twice made by the Committee on Claims and

twice approved by this body the calculation was correct. Mr. WILLIS. Mr. President, I think that is sometimes a rather violent assumption. I ask the Senator to let the bill go over and to look into that matter; and if no mistake has been

made, I shall not object.

The VICE PRESIDENT. Does the Senator from Ohio

object?

Mr. WILLIS. I object at this time.

The VICE PRESIDENT. The bill will be passed over.

# CLARA E. NICHOLS

The bill (S. 2096) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

## TRAVEL PAY AND ALLOWANCES FOR PHILIPPINE SCOUTS

The bill (S. 2658) to authorize the Secretary of War to fix all allowances for enlisted men of the Philippine Scouts; to validate certain payments for travel pay, commutation of quarters, heat, light, etc., and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the last sentence of the second paragraph of section 36 of the act entitled "An act to increase the efficiency of the permanent Military Establishment of the United States," approved February 2, 1901 (31 Stat. L. p. 757), be, and the same is hereby, amended to read as follows:

"The pay and allowances of whatever nature and kind to be authorized for the enlisted men of the Philippine Scouts shall be fixed by the Secretary of War and shall not exceed or be of other classes than those now or which may hereafter be authorized by law for enlisted men of the Regular Army: Provided, That payments of travel pay and of commutation of quarters, heat, and light heretofore made to enlisted men of the Philippine Scouts, if not in excess of those authorized at the time for enlisted men of the Regular Army, be, and the same are hereby, validated: And provided further, That any such payments of travel pay and commutation of quarters, heat, and light which have been collected back from enlisted men of the Philippine Scouts to whom originally paid shall be refunded to them."

KING. I would like to have some explanation of this. Mr. WADSWORTH. Mr. President, back in 1901, when the body of troops known as the Philippine Scouts was organized by authority of Congress, the law provided that the Secretary of War should fix the pay and allowances of those troops, to correspond, not in amount but as to pay and privileges, with the pay and allowances of the troops of the Regular Army of |

the United States. That was done.

It was deemed, from 1901 to 1922, that the word "pay" included travel pay and commutation of quarters in the form of cash payments. In 1922, or thereabouts, after 21 years had gone by, the comptroller ruled that the word "pay" in the act of 1901 did not include travel pay; that every time a Philippine Scout soldier had been discharged at the expiration of his enlistment and given travel pay to go back to his home, that had been given to him illegally; that the officers in the Philippines must attempt to find every such soldier and make him pay back that money; that the officers who had paid it out had done so illegally and should be held responsible for illegal payments. I need not say that such a construction of the statute by the comptroller is certainly very finely drawn.

Mr. KING. The books of the War Department show the transactions, that the payments were made of certain amounts, and the appropriations were made by Congress of the amounts?

Mr. WADSWORTH. That is correct.

Mr. KING. I have no objection.

Mr. WADSWORTH. This validates those payments and re-

lieves these soldiers of having to pay the money back.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

### PERLEY MORSE & CO.

The bill (S. 519) for the relief of Perley Morse & Co. was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "\$882.50," and to insert in lieu thereof "\$859.39," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Perley Morse & Co., out of any money in the Treasury not otherwise appropriated the sum of \$859.39 in settlement of the claim of said company for overtime work performed in connection with services rendered the Federal Trade Commission in its investigation of the newsprint-paper industry during the month of May, 1918, in order to complete the work in time to be of practical use to the commission.

The amendment was agreed to.

Mr. KING. Mr. President, I have been advised that this work was done under contract. My informant may be in error, and I should like to know from the Senator from New York whether it was done under contract, and if so, then why the Government should be called upon to pay an additional

Mr. COPELAND. Mr. President, at the time this work was done the Federal Trade Commission was making an investigation of the newsprint paper industry, and it was very important, or seemed so to the commission, to have an immediate So, in spite of the contract they had with Perley Morse & Co. the commission asked this concern of auditors to work overtime in order that the report might be made available at once. It will be seen that this work had the approval of the Federal Trade Commission, the employers of this firm of auditors. I remind the Senator from Utah that we went into this matter quite extensively last year, and after some discussion the Senate agreed unanimously to the justice of the

I call the attention of the Senator to page 2 of the report, where it is said:

The claim upon transmittal to the Auditor for the State and Other Departments was approved by the commission in the sum of \$859.39, the difference, \$23.11, being deducted because the statement of time accompanying the claim did not agree with the daily report cards submitted to the commission in connection with the individual employees' work, and it is recommended that the amount provided for in the bill be reduced accordingly.

In other words, the commission recognizes the justice of the bill and the propriety of its payment, with the correction which has been made in the measure presented to us now.

Mr. KING. I have given some little attention to this claim. I do not think it is absolutely just, and yet I shall not object to its consideration, provided the Senator will accept an amendment to the effect that the amount shall be paid out of any fund or appropriation made to the Federal Trade Commission. They have an appropriation every year of from \$750,000 to nearly \$1,000,000. They know just what Congress gives them. They must cut their suits from the cloth which is given to them by Congress. If they think this is such a just claim, then let them pay it out of any fund we appropriate for that organization. appropriate for that organization.

Mr. COPELAND. I have no objection to such an amendment, provided the amendment carries with it, in a sense, the demand that the bill shall be paid.

Mr. KING. It would be the law.

Mr. COPELAND. I am not interested in the fund from which it comes.

Mr. KING. I suggest the following amendment: On page 1, line 5, after the word "money," to strike out the words "in the Treasury not otherwise appropriated" and insert "appropriated for the Federal Trade Commission by Congress.'

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NORFOLK & WESTERN BAILWAY CO. BRIDGE, WEST VIRGINIA

The bill (S. 2448) to authorize the Norfolk & Western Railway Co. to construct a bridge across the Tug Fork of Big Sandy River at or near a point about 21/2 miles east of Williamson, Mingo County, W. Va., and near the mouth of Lick Branch, was announced as next in order.

Mr. BINGHAM. Mr. President, I ask unanimous consent that Order of Business 129, House bill 6740, be taken up instead of Senate bill 2448. The House bill is identical with the Senate bill, and has been passed by the House.

The VICE PRESIDENT. Is there objection to the request of the Senator from Connecticut?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6740) granting the consent of Congress to the Norfolk & Western Railway Co. to construct a bridge across the Tug Fork of Big Sandy River at or near a point about 2½ miles east of Williamson, Mingo County, W. Va., and near the mouth of Lick Branch, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Norfolk & Western Railway Co., a corporation organized under the laws of the State of Virginia and authorized to do business in the State of West Virginia and operate railways in Kentucky, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Tug Fork of Big Sandy River at a point suitable to the interests of navigation at or near a point about 21/2 miles east of Williamson, Mingo County, W. Va., and near the mouth of Lick Branch, in Mingo County, W. Va., where the said Tug Fork forms the boundary line between the States of West Virginia and Kentucky, in accordance with the provisions of the act to regulate the construction of bridges over navigable waters, approved March 23,

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BINGHAM. I move that Senate bill 2448 be indefinitely postponed.

The motion was agreed to.

## DULUTH & SUPERIOR BRIDGE CO. BRIDGE

The bill (S. 2281) to authorize the maintenance and renewal of a timber frame trestle in place of a fixed span at the Wisconsin end of the steel bridge of the Duluth & Superior Bridge Co. over the St. Louis River between the States of Wisconsin and Minnesota, was considered as in Committee of the Whole. The bill had been reported from the Committee on Commerce with an amendment, on page 2, after line 18, to insert a new section, as follows:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the Duluth & Superior Bridge Co., a corporation organized under the laws of the State of Wisconsin, and its successors in interest, be, and they are hereby, authorized to replace the 300-foot steel span of the bridge of the said Duluth & Superior Bridge Co. across the St. Louis River between Rices Point, Minn., and Connors Point, Wis., built pursuant to acts of Congress, approved, respectively, April 24, 1894, and August 4, 1894, which 300-foot steel span adjoined the Wisconsin end of the draw span of said bridge and was heretofore destroyed by a steamship collision, with a 22-span frame trestle, which has now been erected under temporary permit from the Secretary of War of the United States; and to maintain said 22-span frame trestle in place of the said metal span and as a part of the bridge provided for in said acts of Congress; and to replace the said 22-span frame trestle from time to time as the same may be required with a like or similar structure or structures of similar type, notwithstanding any provision to the contrary in the said acts of Congress: Provided, however, That the said present 22-span frame trestle shall not be renewed or replaced until detailed plans and specifications for such renewal or replacement shall have been submitted to and approved by the Secretary of War.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.
The bill was reported to the Senste as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### ESTATE OF ROBERT DILLON

The bill (S. 69) for the relief of the legal re, esentatives of Robert Dillon, deceased, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of the legal representatives of Robert Dillon, deceased, for the net proceeds of the cotton purchased, or turned over to him, or owned by him, taken by United States officers, sold, and the net proceeds thereof placed in the United States Treasury be, and the same is hereby, referred to the Court of Claims of the United States for determination of the law and the facts, under the act of Congress approved March 12, 1863 (12 Stat. L. p. 820), any statute of limitations or the act of July 2, 1864 (13 Stat. L. p. 376), and all other nonintercourse laws or section 179 of Judicial Code to the contrary notwithstanding, and report to Congress.

Mr. KING. I would like to ask the Senator from Washington [Mr. Jones], who is the author of the bill, to state the amount which it is alleged was placed in the Treasury of the United States for Mr. Dillon.

Mr. JONES of Washington. It was \$20,532,60.

Mr. KING. I shall not object to the bill if the Senator will accept the following amendment:

Provided, That the sum so paid shall be in full settlement of all claims and demands whatsoever growing out of any judgment so rendered in said claim of Robert Dillon, deceased, and in full of all claims and demands whatsoever growing out of said transaction, and that no interest shall be paid thereon,

Will the Senator accept the amendment?

Mr. JONES of Washington. I see no objection to the amendment.

Mr. KING. Then I have no objection to the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## BELLE H. WALKER AND FRANK E. SMITH

The bill (S. 453) for the relief of Belle H. Walker, widow of Frank H. Walker, deceased, and Frank E. Smith was announced as next in order.

Mr. KING. I object to the present consideration of the bill. Mr. BAYARD. I hope the Senator will withdraw his objection.

Mr. KING. I would like to have it go over. The VICE PRESIDENT. The bill will go over.

## R. CLYDE BENNETT

The bill (S. 1059) for the relief of R. Clyde Bennett was considered as in Committee of the Whole and was read, as fol-

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to R. Clyde Bennett the sum of \$10,000, in full satisfaction of all his claims against the United States on account of permanent bodily injuries sustained by him as the result of his having been accidentally shot by a soldier who at the time of the accidental shooting was in the service of the United States, guarding Baltimore & Ohio Railroad property in the State of West Virginia.

Mr. President, this bill was passed by the Sen-Mr. NEELY ate during the Sixty-eighth Congress, but the House failed to consider it. The Committee on Claims has twice unanimously recommended its passage. A more meritorious case has never been before the Senate. I sincerely hope that no one will pre-vent favorable action here to-day. The beneficiary, R. Clyde Bennett, was properly performing his usual duties in the operation of a Baltimore & Ohio Railroad train. A soldier in the service of the United States Government, who was guarding railroad property, accidentally discharged his rifle and shot Bennett, who was entirely free from fault.

As a result of the accident, Bennett is maimed and half of his body is paralyzed for life. The relief proposed by the bill should be granted at once.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third

time, and passed.

### REFUNDING CERTAIN ESTATE TAXES

The bill (S. 2526) to extend the time for the refunding of taxes erroneously collected from certain estates was announced as next in order.

Mr. KING. Mr. President, the bill has just been brought to my attention. It seems to me it ought to have been referred to the Committee on Finance. In the revenue bill which has just been passed the question of refunds and extension of time for the bringing of suits and presenting claims was considered. There is very much legislation in the bill now on the calendar dealing with that very subject. I would not want to consent to a consideration of the bill until the Treasury Department could be communicated with and could inform us whether the bill which passed the Senate a few days ago cares for any conditions which ought to be cared I object to the consideration of the bill.

The VICE PRESIDENT. The bill will be passed over.

## HERMAN SHULOF

The bill (S. 2616) for the relief of Herman Shulof was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, on page 1, in line 9, to strike out the words "who was thereafter on June 2, 1919, a few days after his arrival at Atlanta prison, pardoned by the President," and to insert in lieu thereof the words "subsequently pardoned by President Wilson," so as to read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000 to Herman Shulof, of New York City, which sum was paid by him to the United States by reason of the forfeiture of the bail bond of William Kahn, who was afterwards taken into custody and convicted, but subsequently pardoned by President Wilson.

Mr. KING. Mr. President, I would like the Senator from New York [Mr. Wadsworth] to explain the case and also whether the costs of apprehending the defendant who was subsequently, as the bill said, convicted, are to be deducted from any payment and any provision as made. The rule generally is in the States, and it ought to be in the Federal Government, that expenses incurred in apprehending a fugitive who is under bail shall be paid by the person who furnished the bail bond.

Mr. WADSWORTH. The man, Herman Shulof, was a surety on the bail bond of a man named William Kahn. Kahn disappeared. Incidentally it may be of interest to know that Shulof and Kahn were brothers-in-law. The bail bond was for \$10,000. The evidence shows that after a good deal of investigation Shulof himself became exceedingly active in assisting in the apprehension of Kahn. He cooperated with the agents of the Department of Justice and traced Kahn from place to place and finally, largely through his efforts. Kahn was rearrested and brought into court. The evidence shows that Shulof spent about \$2,500 in doing this work. Of course, it is fair to say that he had an interest in it, because he was held for \$10,000, but he was largely responsible for the return of the prisoner. That being the case, the Committee on Claims thought he might well be reimbursed the \$10,000 which he paid at the time.

Mr. KING. I feel constrained to object unless a proviso

is attached, reading as follows:

Provided, That any sum expended by the United States in the apprehension of said Kahn shall be deducted from said \$10,000.

Mr. WADSWORTH. Will the Senator add after the word "bond" the words "as ascertained by the Attorney General"? Mr. KING. Yes.

Mr. WADSWORTH. I do not know whether it will be possible for the Attorney General to estimate the expenses in apprehending Kahn. The men who cooperated with Shulof were the regular paid agents of the Department of Justice. It might be possible to look up some of their expenses when traveling, if they did any traveling. I do not know what the outcome of such an amendment would be, but I have no objection to it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah to the amend ment of the committee, which will be stated.

The CHIEF CLERK. Add at the end of the bill the following proviso:

Provided, That any sum expended by the United States in the apprehension of said Kahn, as ascertained by the Attorney General, shall be deducted from said \$10,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### JAMES DOHERTY

The bill (S. 1131) for the relief of James Doherty was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,250 to James Doherty, of Metaline Falls, Wash., for the destruction of his residence and household effects by fire while being occupied by employees of the Bureau of Public Roads, Department of Agriculture.

Mr. KING. I would like to have an explanation of the bill. Mr. DILL. A similar bill was passed by the Senate at the last session of Congress. It simply provided for paying \$2,250 to Doherty for the loss of his cabin or building, with his household equipment, which at that time was being used by employees of the Bureau of Public Roads. The bill was first introduced providing for a larger sum, but the department report suggested that it was rather a liberal amount, and the Committee on Claims cut it to \$2,250. The bill as thus framed has been reported twice by the Committee on Claims, and, as I said, a similar bill passed the Senate in the previous session of Congress.

Mr. KING. Will the Senator permit an inquiry?

Mr. DILL. Certainly.

Mr. KING. Did the Department of Public Roads authorize the occupancy of the house and the use of the personal property, or did the employees of the Bureau of Public Roads make some private arrangement for the use of the premises?

Mr. DILL. I do not know that the authorities in Washington authorized it, but the representatives of the Bureau of Public Roads had to have a place to stay and made arrangements to use the cabin and were simply permitted to use it. It was up in the timber, and there was no other place for them to stay, and rather than build a cabin they used this one.

Mr. KING. Did they have exclusive occupancy of the prem-

ises?

Mr. DILL. Yes; they had exclusive occupancy of the premises. The origin of the fire was unknown, and the department report said that it is probable it occurred as a result of their occupancy. There was no one else there, and certainly Mr. Doherty had no way of guarding his property when he per-

mitted them to use it.

Mr. KING. I shall not object, but it does seem to me this is a very bad precedent. If employees of the Government go and occupy premises—good, bad, or indifferent; premises that are of great value—and then the Government of the United States, because of the employees temporarily occupying them by reason of having duties in that vicinity, becomes responsible for fires, casualties, tornadoes, and what not, there is no limit to the liability which the Government will be compelled to meet. I think that the Bureau of Public Roads or any agency of the Government is guilty of culpable negligence if they occupy premises which may be destroyed by fire and do not make provision to protect the Government of the United States.

Mr. DILL. Of course, any premises might be destroyed even if they were built by the Government. This arrangement saved the building of similar premises by the Government, be-

cause employees were lodged there for some time.

Mr. KING. If the Government occupies such premises for any considerable length of time and fails to take out insurance for its protection, or if any department should fail to do such a thing, it is guilty of culpable negligence. I think the Bureau of Public Roads, in taking possession of premises in this way, with no guaranty against the occurrence of fire or other loss, is guilty of great laxity of duty and ought to be censured for it.

Mr. FLETCHER. There was no insurance on the building?

Mr. DILL. No; there was no insurance.

Mr. FLETCHER. So the owner has not received any compensation from any source?

Mr. DILL. None at all.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### IMMACULATO CARLINO

The bill (S. 1160) for the relief of Immaculato Carlino, widow of Alexander Carlino, was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "\$5,000" and insert "\$2,000," so as to read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Immaculato Carlino, widow of Alexander Carlino, the sum of \$2,000 as compensation for the death of her husband, who died as a result of injuries received when he was struck by a truck operated by an employee of the Bureau of War Risk Insurance.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## ARCHIBALD L. MACNAIR

The bill (S. 613) for the relief of Archibald L. Macnair was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Archibald L. Macnair, out of any moneys in the Treasury not otherwise appropriated, the sum of \$1,530.10 as damages for the destruction of his Sopwith airplane by an Army service airplane, March 12, 1922, at Daytona Beach, Fla.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## WYNONA A. DIXON

The bill (8. 1351) for the relief of Wynona A. Dixon was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$7.606.67 to Wynona A. Dixon, that being the value of certain of her property seized and appropriated by the military forces of the United States during the late Civil War, as found by the Court of Claims and reported in Senate Document No. 333, Sixty-first Congress, first session.

Mr. KING. Mr. President, this is a case hoary with age. I would like to have some explanation of it. It goes away back to 1863. Why has it not been paid, if it is a valid claim, years and years ago, before the Senator from Texas [Mr. Sheppard] was born?

Mr. SHEPPARD. The Court of Claims did not pass on the matter until 1908. The claim would have been embodied in the last omnibus claims bill but for an oversight on the part of a member of the committee who had the claim in charge. He afterwards told me that he would have incorporated it in the last omnibus claims bill which was passed before Congress discontinued the jurisdiction of the Court of Claims but for an oversight on his part. For that reason I have since reintroduced the bill.

Mr. KING. Why should the claim not be sent to the Court of Claims?

Mr. SHEPPARD. It has been sent to the Court of Claims, and the Court of Claims has made a finding sustaining the amount recommended in the bill, about \$7,000 out of a total claim for a much larger amount. The particular amount proposed to be paid by this bill is for supplies which it was shown the Army actually used and which were furnished by a loyal claimant.

Mr. KING. Was the claim considered years ago in the seventies or eighties and never presented?

Mr. SHEPPARD. The claim was presented to the Court of Claims and a finding made in 1908.

Mr. KING. But it has been passed upon by the Court of Claims?

Mr. SHEPPARD. It has been passed upon by the Court of Claims,

Mr. KING. Does the amount carried in this bill represent the judgment of the court?

Mr. SHEPPARD. It represents a finding of the court. The claim was referred to the court under the Tucker Act, which requires findings of fact for report to Congress.

Mr. KING. Was Wynona A. Dixon the claimant to whom

the award was made?

Mr. SHEPPARD. She was the claimant, to whom the amount carried in this bill was awarded after an investigation by the court.

Mr. KING. And it amounts to \$7,600?

Mr. SHEPPARD. It amounts to \$7,666.67.
Mr. KING. Then the judgment docket of the Court of Claims would show that a judgment was rendered in behalf of this claimant for that amount?

Mr. SHEPPARD. The docket will show a finding for this

amount.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRAUDULENTLY ENLISTED SOLDIERS OF THE WORLD WAR

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1343) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 6, after the word "was," to strike out the word "discharged" and insert the word "enlisted," and in line 8, after the word "inclusive," to insert the words "and who was discharged." charged," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers of the United States Army, their widows and dependent children, a soldier who was enlisted between April 6, 1917, and November 11, 1918, both dates inclusive, and who was discharged for fraudulent enlistment on account of misrepresentation of his age, shall hereafter be held and considered to have been discharged honorably from the military service on the date of his actual separation therefrom, if his service otherwise was such as would have entitled him to an honorable discharge: Provided, That no back pay or allowances shall accrue by reason of the passage of this act.

Mr. KING. I should like an explanation of the bill and its

implications and possibilities.

Mr. SHEPPARD. Mr. President, this is a bill relating to young men who were so desirous of fighting for their country in the World War that they misrepresented their ages at the time of their enlistment. Many of them made splendid records. However, they were discharged on account of fraudulent enlistment through misrepresentation of age. This bill is to put them on an equal basis with all others who were honorably discharged from the Army, provided their records were satisfactory in every other respect.

It seems to me that a young man who is so desirous of fighting for his country that he would misrepresent his age in order to be enlisted, and whose record after that is unobjectionable and praiseworthy, certainly ought to be relieved of any handicap that might attach to him by virtue of having so

Mr. KING. Has the Senator included in the bill the recommendation of the War Department to the effect that no pay or allowances shall accrue in the cases of these former soldiers by reason of this proposed legislation?

Mr. SHEPPARD. That is embodied in the bill. A similar bill passed the Senate during the last Congress, but did not reach the House of Representatives in time for proper con-

sideration before final adjournment of Congress

Mr. KING. The Senator thinks that the bill as now drawn would guard the Government against cases where after these men entered the Army they were discharged because of some misconduct in the Army?

Mr. SHEPPARD. The bill specifies that their records must

be satisfactory in all other respects.

Mr. FLETCHER. As I understand the bill, it merely relieves them of the charge of fraudulent enlistment?

Mr. SHEPPARD. Exactly.

Mr. KING. I have no objection to the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Military Affairs.

The amendment was agreed to,

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# LANDING FIELD NEAR LITTLE ROCK, ARK.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1144) authorizing the Secretary of War consider the bill (8. 1144) authorizing the Secretary of War to acquire a tract of land for use as a landing field at the air intermediate depot, near the city of Little Rock, in the State of Arkansas; which had been reported from the Committee on Military Affairs with amendments on page 1, line 7, after the word "and," to strike out the words "to pay"; line 8, after the word "land," to insert the words "shall be paid by the Attorney General"; on page 2, before the word "said" at the beginning of line 1, to strike out the word "which": at the beginning of line 1, to strike out the word "which"; and in the same line, after the word "property," to strike

out the word "includes" and to insert the word "comprising," so as to make the bill read:

Be 4t enacted, etc., That the Secretary of War be, and he is hereby. authorized to acquire, at a cost not to exceed \$100,000, a tract of land, 661/2 acres in area, for use as a landing field at the air intermediate depot, near the city of Little Rock, in the State of Arkansas, and the purchase price of said land shall be pald by the Attorney General out of the proceeds of the sale of the Government property at Picron, said property comprising 400 acres of land heretofore donated to the Government by the citizens of Little Rock at a cost of approximately \$300,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## AVIATION FIELD AT TUCSON, ARIZ.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2029) authorizing the withdrawal of certain public lands in Arizona for use as a municipal aviation field by the city of Tucson, Ariz., which had been reported from the Committee on Public Lands and Surveys with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and he hereby is, authorized to lease to the city of Tucson, Ariz., for the establishment and maintenance of a municipal aviation field, sections 26 and 27 in township 14 south of range 14 east, G. and S. R. B. and N., Pima County,

Ariz., containing 1,280 acres, more or less.

SEC. 2. That said lease shall be for a period of 20 years, and be subject to renewal for a like period, on condition that the city pay to the United States a rental of \$1 per year for the use of the said land: Provided, That Government departments and agencies operating aircraft shall always have free and unrestricted use of said field and the right to erect and install upon said land such structures and improvements as the heads of such departments and agencies may deem advisable, including facilities for maintaining supplies of fuel, oil, and other materials for operating aircraft, and that in case of emergency, or in event it shall be deemed advisable, the Government of the United States may assume absolute control of the management and operation of said field for military purposes.

The amendment was agreed to.

Mr. ASHURST. Mr. President, I call attention to line 24 on page 2 of the bill. It will be observed that in that line the bill reads "G and S. R. B. and N." The letter "N" should be "M." Those letters stand for "Gila and Salt River Basin Meridian." I move that amendment.

The amendment was agreed to.

Mr. KING. I ask the Senator from Arizona if it is fully understood by the municipal authorities of Tucson that there is no obligation whatever on the part of the Government to utilize this field for governmental purposes? I understand that the municipality wants an aviation landing field, and I am interested to know whether they expect that the passage of this legislation will imply any obligation upon the part of the Government to utilize it either by the Post Office or by the War Department or by any other agency in the Government that may use airplanes.

Mr. ASHURST. The able Senator has asked me a question that I frankly say I can not answer. I am unable to state what some one else may expect. Let us see, however, from reading

the bill.

Mr. KING. What I desire to be certain about is that there is no commitment of the Government.

Mr. ASHURST. First let me read from section 1:

That the Secretary of the Interior be, and he hereby is, authorized to lease to the city of Tucson, Ariz., for the establishment and maintenance of a municipal aviation field-

Then the sections of land are designated, following which section 2 provides:

SEC. 2. That said lease shall be for a period of 20 years, and be subject to renewal for a like period, on condition that the city pay to the United States a rental of \$1 per year for the use of the said land-

Now, this seems to answer the Senator's question:

Provided, That Government departments and agencies operating aircraft shall always have free and unrestricted use of said field and the right to erect and install upon said land such structures and improvements as the heads of such departments and agencies may deem advisable, including facilities for maintaining supplies of fuel, oil-

And so forth.

I will say to the able Senator that undoubtedly the Federal Government will have the right to the free use of the field at

any time for aviation purposes.

Mr. KING. The reason I propounded the question was that I have been told of two instances where municipal fields were set apart, much as this field is proposed to be set apart, as to which it was insisted later on that the Government should pay for them, and, secondly, that there was an implication that the fields should be used indefinitely by Post Office Department and Army planes.

Mr. ASHURST. I do not want even to appear to deceive the

Senator. The bill does say this:

The Government of the United States may assume absolute control of the management and operation of said field for military purposes.

I will say that the Government arm is not to be paralyzed

in any way and prevented from taking charge.

Mr. KING. I have no objection to that, but I want it understood that the Government of the United States shall not be bound to any obligation either to maintain this field or to use it for any purpose, unless it shall take charge of it, of course.

Mr. ASHURST. I am anxious to have this bill passed, but I am not going to be foreclosed from asking for adequate appropriations if military necessities shall require. I want it understood that I am not to be foreclosed from doing that.

Mr. KING. The Senator and I will not disagree.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was recommended by the committee to be amended so as to read: "A bill to authorize the use by the city of Tucson, Ariz., of certain public lands for a municipal aviation

field, and for other purposes.'

Mr. FLETCHER. Mr. President, the title should be amended, it seems to me, so as to state that the land is to be leased for the purpose indicated. I think it ought to read: "Authorizing the leasing of certain public lands to the city of Tucson, Ariz., for a municipal aviation field, and for other purposes." As the bill has been amended it authorizes the Secretary of the Interior to lease certain public lands to the city of Tucson.

Mr. ASHURST. Let me say to the Senator that I think the title as proposed to be amended by the committee covers that.

Mr. FLETCHER. Very well. I presume the title as recommended to be amended is all right.

Mr. ASHURST. I think it is ample to cover the amendment of the committee

Mr. FLETCHER. Very well. The VICE PRESIDENT. W

Without objection, the title will be amended as recommended by the committee.

## AVIATION FIELD AT YUMA, ARIZ.

The bill (S. 2307) authorizing sale of certain lands to the Yuma Chamber of Commerce, Yuma, Ariz., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment to strike out all after the enacting clause and to insert:

That in order that the entire southeast quarter of section 9, township 9 south of range 23 east of the Gila and Salt River meridian, Arizona, may be reserved for an aviation field, the Secretary of the Interior is hereby authorized to issue unrestricted patent for any public land in said section 9 in exchange for the east half of the southeast quarter and the northwest quarter of the southeast quarter of said

SEC. 2. That upon the exchange being completed, the entire southeast quarter of said section 9 shall be reserved as a field for the landing and taking off of aircraft of all descriptions: Provided, That the Board of County Commissioners of Yuma County, Ariz., shall by resolution agree to assume the expense of clearing and maintaining the field, and that the following conditions are agreed to: (1) That operators of Government-owned aircraft shall always have free and unrestricted use of said field; (2) that rules and regulations governing the operation of aircraft upon said field shall include and coincide with rules and regulations prescribed and promulgated by the War Department; (3) that Government departments and agencies operating aircraft shall have the right to erect and install upon said land such structures and improvements as the heads of such departments and agencies may deem advisable, including facilities for maintaining supplies of fuel, oil, and other materials for operating aircraft; (4) that in case of emergency, or in the event that it shall be deemed advisable by the Secretary of War, the War Department may assume absolute control of the management and operation of said field.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passe 1.

The title was amended so as to read: "A bill authorizing the Secretary of the Interior to exchange certain lands in order to acquire land for a municipal aviation field at Yuma.

## FORFEITURE OF PAY IN MILITARY AND NAVAL SERVICES

The bill (S. 2828) to provide for forfeiture of pay of persons in the military and naval services of the United States who are absent from duty on account of the direct effects of the intemperate use of alcoholic liquor or habit-forming drugs or because of venereal disease was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, on page 2, line 2, after the word "absence," to strike out the colon, the word "Provided," and the comma, and insert a period; at the beginning of line 3 to insert "Sec. 2."; in line 9, after the word "Provided," to strike out the word "further"; in line 14, after the word "service," to strike out the colon, the words "Provided further," and the comma, and insert a period; at the beginning of line 15 to insert "Sec. 3."; in line 20, after the word "purposes," strike out the colon, the words "Provided furand the comma, and to insert a period; at the beginning of line 21 to insert "Sec. 4."; on page 3, line 1, after the word "forfeited," to strike out the colon, the words "And provided further," and the comma, and insert a period, so as to make the bill read:

Be it enacted, etc., That hereafter no person in active service in the military or naval service who shall be absent from his regular duties for more than one day at any one time on account of the effects of a disease, as distinguished from injury, which is directly attributable to and immediately follows his own intemperate use of alcoholic liquor or habit-forming drugs, shall, except as hereinafter provided, be entitled to any pay, as distinguished from allowances, for the period of such absence.

Sec. 2. That hereafter no person in active service in the military or naval service who shall be absent from his regular duties for more than one day at any one time on account of the direct effects of a venereal disease due to his own misconduct, shall, except as hereafter provided, be entitled to any pay, as distinguished from allowances, for the period of such absence: Provided, That such absence is within a period of one year following the appearance of the initial symptoms of such venereal disease and regardless of whether the appearance of the initial symptoms occurs prior or subsequent to the date of entry into the service.

Sec. 3. That for all purposes within the scope of this act the period of absence and the cause thereof shall be determined under such procedure and regulations as may be prescribed by the Secretary of War or the Secretary of the Navy, and such determination shall be final and conclusive for all purposes.

Sec. 4. That each person whose pay, as distinguished from allowance, is forfeited for a period in excess of one month at any one time pursuant to the provisions of this act shall be paid for necessary personal expenses the sum of \$5 for each full month during which his pay is so forfeited.

Sec. 5. That the acts approved April 27, 1914 (38 Stat. L, pp. 353, 354), August 29, 1916 (39 Stat. L. p. 580), and July 1, 1918 (40 Stat. L. p. 717), so far as relates to forfeiture of pay on account of absence from duty due to injury, sickness, or disease resulting from the intemperate use of drugs or alcoholic liquors, or other misconduct, are hereby repealed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS ARISING FROM OPERATION OF ARMY TRANSPORT SERVICE

The bill (S. 2854) to authorize payment of claims in admiralty arising from operation of Army transport service was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the first section of an act entitled "An act to give indemnity for damages caused by American forces abroad." approved April 18, 1918 (40 Stat. L. p. 532), be, and the same is hereby, amended to read as follows:

"That claims, including claims in admiralty arising from operation of the Army transport service in connection with American forces abroad, of the nationals of any foreign government not an enemy or ally of an enemy, for damages caused by American military forces, may be presented to any officer designated by the President and when approved by such officer shall be paid under regulations made by the Secretary of War."

Mr. KING. Mr. President, I should like an explanation of this bill from the Senator from New York; and I am particularly anxious to know whether it gives authority to the War Department, or any officer designated by it, to pay claims which may be presented under the provisions of the bill without limitation as to the amounts which they may pay.

Mr. WADSWORTH. Mr. President, this is an exceedingly interesting and important matter. It may attract the attention of the distinguished Vice President, who bore such an important part in the American Expeditionary Forces and is pretty familiar with the matter of settling claims with French

Shortly after the conclusion of the war or shortly before its conclusion-I forget which-the Congress passed an act authorizing the Secretary of War to settle all claims coming from contractors of the United States who were furnishing materials or services in connection with the prosecution of the war; and the Senator from Utah will recollect that a board of contract review was set up in the War Department which passed upon the claims and checked them up in the most careful manner, and that those claims were paid by the Secretary of War out of appropriations made by the Congress. The Senator from Utah will also recollect, probably, that prior to or coincident with the withdrawal of the main portions of the American Expeditionary Forces from France, and by authority of the Congress, arrangements were made with the French Government which involved the sale to the French Government of American surplus supplies which our authorities believed should not be brought back to the United States and also the sale to the French Government of the great installations put up in France by our military authorities for the conduct of the war. One feature of that settlement with the French was that the French Government assumed responsibility for claims for damages done by American forces in the territory of France, so that by that settlement America settled her claims, as it were, with individual French claimants, doing it through the instrumentality of the French Government as a part of the consideration in this transaction.

No provision was made, however, for the settlement of claims against the United States arising from the operations of the Army transport service. Of course, our transports, both troop and cargo, entered the harbors of France and other countries in great numbers, and inevitably certain accidents occurred, collisions with ships or boats belonging to our allies or citizens of our allies; and not one step has been taken, although eight years have gone by, for the settlement of any of those just claims for damages. This bill gives to the Secretary of War the same authority with respect to claims arising from the operation of the Army transport service that he would have in connection with any other kind of claim.

The War Department estimates—and it is a rough estimate, of course—that the claims which are pending can be settled for approximately \$794,000. Now, certainly the United States should settle those claims. It is rather a pity for our own good name that we have not done it before this. We must delegate to some one the authority to fix upon the proper amounts; and, of course, the Secretary of War is the best-equipped official of our Government to conduct those negotiations and reach the settlements. The purpose of this bill is to permit us, through the Secretary of War, to pay our just debts.

Mr. BAYARD, Mr. President-

Mr. WADSWORTH. I yield.

Mr. BAYARD. Can the Senator tell us about what the gross amount of these claims is?

Mr. WADSWORTH. The War Department estimates roughly that all the claims can be settled for an aggregate amount of \$794,000. We have owed the money for eight years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## JOHN FRAZER, DECEASED, AND OTHERS

The bill (8. 2656) for the relief of the estates of John Frazer, deceased; Zephaniah Kingsley, deceased; John Bunch, deceased; Jehu Underwood, deceased; and Stephen Vansandt, deceased, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That jurisdiction be, and hereby is, given to the United States Court of Claims (notwithstanding any bar arising from the statute of limitations or otherwise, and notwithstanding any decisions, rulings, or orders heretofore rendered or made by executive officers of the United States) of the claims of the estates of said John Frazer, Zephaniah Kingsley, John Bunch, Jehu Underwood, and Stephen Vansandt, deceased, known as the East Florida claims, for unpaid

balances due on awards made by the Superior Court of the Territory of Florida at St. Augustine, under the treaty of 1819 between the United States and Spain with respect to property of said decedents taken or destroyed by the military forces of the United States; and said court is hereby directed to make findings of fact and enter judgment in relation to each of said claims: Provided, That from the judgments of said court on said claims either party shall have the right to appeal to the Supreme Court of the United States.

SEC. 2. That in adjudicating said claims said Court of Claims shall consider all findings of fact and all other evidences relative to the same, respectively, which is on file of the records of the United States or the State of Florida.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

C. C. SPILLER, DECEASED

The bill (S. 1632) for the relief of the estate of C. C. Spiller, deceased, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of C. C. Spiller, deceased, late of Hamilton County, Tenn., the sum of \$8,000, found to be due him by the Court of Claims, in congressional case No. 10549 as appears by Senate Document No. 173, Fifty-ninth Congress, second session, being his share of the reasonable charter value, together with the destruction thereof, of a small steamboat, known as the Paint Rock, taken and used by the United States, and while in their possession accidentally destroyed and never paid for, all while the said C. C. Spiller, deceased, was a loyal citizen of the United States, as evidenced by the findings or report, dated June 27, 1864, of a board of claims designated by the commanding officer of the Department of the Cumberland, by Special Field Orders, No. 104, dated April 12, 1864, still of record in the War Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### LANDS IN WYOMING

The bill (S. 1462) permitting Leo Sheep Co., of Rawlins, Wyo., to convey certain lands to the United States and to select other lands in lieu thereof, in Carbon County, Wyo., for the improvement of the Medicine Bow National Forest, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That upon delivery to the Secretary of the Interior by Leo Sheep Co., of Rawlins, Wyo., of its properly executed deed or deeds conveying to the United States of America the lands of Leo Sheep Co. in sections 11 and 15, the north half of section 23, and the north half of the south half of section 23, township 18 north, range 82 west of the sixth principal meridian, containing approximately 1,760 acres, within the Medicine Bow National Forest, Wyo., the said company shall be authorized and permitted to select not to exceed an equal value of public lands of the United States within townships 13, 14, and 15, in range 90 west of the sixth principal meridian, in Carbon County, Wyo.: Provided, That in the opinion of the Secretary of Agriculture the interests of the United States will be benefited by such exchange of lands: And provided further, That the lands proposed to be conveyed to the United States are found by the Secretary of Agriculture to be chiefly valuable for national forest purposes.

SEC. 2. That when the title to the lands herein described shall have revested in the United States pursuant to the foregoing provisions, and selection of lands in lieu thereof has been made as above by Leo Sheep Co., the Secretary of the Interior shall cause a patent to issue conveying such selected lands to Leo Sheep Co.; but in such patent there shall be reserved to the United States all oil, coal, and other mineral deposits within said lands and the right to prospect for, mine, and remove the same.

SEC. 3. That lands conveyed to the United States under the provisions of this act shall, upon acceptance of title, become a part of the national forest within the exterior boundaries of which they are situated, and shall be subject to the control of the Secretary of Agriculture.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## LYN LUNDQUIST

The bill (S. 1896) for the relief of Lyn Lundquist was considered as in Committee of the Whole and was read, as follows:

Bz it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to issue patent for the west half of the northeast quarter and the east half of the northwest quarter of section 15, township 44 north, and range 3 east, Boise meridian, in the

State of Idaho, to Lyn Lundquist, who settled and established residence thereon in 1902, when unsurveyed, upon which he put \$3,000 worth of improvements and fully complied with the homestead law prior to its withdrawal in 1906 for forestry purposes, which claim was canceled March 26, 1914, and motion for the exercise of supervisory authority denied January 21, 1920.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## LANDS IN WISCONSIN

The bill (S. 1876) providing for the sale and disposal of public lands within the area heretofore surveyed as Booth Lake, in the State of Wisconsin, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That on the survey of any public lands found to exist within the area heretofore surveyed as Booth Lake, in section 13, township 4 north, range 17 east, fourth principal meridian, in the State of Wisconsin, the village of East Troy, the town of East Troy, and the town of Troy, all in Walworth County, Wis., shall have a preference right to purchase such lands so surveyed for a period of 60 days after the filing of the official plats of such surveys, at \$1.25 per acre, to have and to hold same as joint tenants for park purposes: Provided, That nothing herein contained shall have the effect of defeating the legal rights of any other person or persons which may have attached to such lands or any part thereof.

The Secretary of the Interior is authorized to make all necessary rules and regulations to carry this act into effect.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### HANGARS AND FLYING FIELDS FOR AIR MAIL SERVICE

The bill (S. 776) to authorize and provide for the payment of the amounts expended in the construction of hangars and the maintenance of flying fields for the use of the air mail service of the Post Office Department was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Postmaster General is hereby authorized and directed to adjust, reimburse, and pay to municipalities and citizens entitled thereto the proper and just amounts heretofore expended in the construction of hangars and the maintenance of flying fields, including the lease and clearing of fields therefor, insurance, and other necessary expenses incurred in connection therewith, at Reno, Nev.; Salt Lake City, Utah; Cheyenne, Wyo.; North Platte, Nebr.; Omaha, Nebr., or elsewhere, for the use of the air mail service of the Post Office Department, where such hangars were constructed and such flying fields maintained under an understanding with an officer or agent of the Post Office Department that reimbursement therefor would be made.

SEC. 2. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$175,000, or so much thereof as may be necessary to carry out the provisions of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# WILLIAM RUSCH, DECEASED

The bill (S. 1920) for the relief of the devisees of William Rusch, deceased, was considered as in Committee of the Whole, The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 2, line 1, after the word "east," to insert "fourth principal meridian," so as the make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent conveying all the right, title, and interest of the United States to the east half of the northeast quarter, and the northeast quarter of the southeast quarter of section 6, township 13 north, range 9 east fourth principal meridian, in Columbia County, Wis., to William Rusch, upon payment in his behalf to the United States of the sum of \$1.25 per acre therefor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## JOHN H. BOLTON

The bill (S. 1938) to issue a patent to John H. Bolton was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 7, after the word "east," to insert "upon payment thereof at the rate of \$1.25 per acre," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent to John H. Bolton, of Cowley County, Kans., the following described property, to wit: The southeast quarter of the northwest quarter of section 3, township 33 south of range 6 east, upon payment thereof at the rate of \$1.25 per acre.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### LANDS IN CALIFORNIA

The bill (S. 2266) granting certain public lands to the city of Stockton, Calif., for flood control, and for other purposes, was considered as in Committee of the Whole and was read, as

Be it enacted, etc., That lots 3 and 8, section 17, the southeast quarter of the northeast quarter section 18, township 3 north, range 11 east, and the west half of the southwest quarter section 21, township 4 north, range 11 east, Mount Diablo meridian, California, be, and the same are hereby, granted to the city of Stockton, Calif., for floodcontrol purposes, upon condition that the city shall make payment for the land at the rate of \$1.25 per acre within six months after the approval of this act: Provided, That there shall be reserved to the United States all oil, coal, or other mineral deposits found at any time in the land and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may provide: Provided further, That the grant herein is made subject to any valid existing claim or easements and that the lands hereby granted shall be used by the city of Stockton, Calif., only for flood-control or incidental purposes, and if the said land or any part thereof shall be abandoned for such use said land or such part shall revert to the United States; and the Secretary of the Interior is hereby authorized and empowered to declare such a forfeiture of the grant and to restore said premises to the public domain if at any time he shall determine that the city has for more than one year abandoned the land for the uses herein indicated, and such order of the Secretary shall be final and conclusive, and thereupon and thereby said premises shall be restored to the public domain and freed from the operations of this grant.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# SAMUEL SPAULDING

The bill (S. 2128) for the relief of Samuel Spaulding was considered as in Committee of the Whole and was read, as

Be it enacted, etc., That in the administration of the pension laws Samuel Spaulding, late of Captain Kirk's company, Fifth Regiment Virginia Foot Volunteers, which subsequently became Company F. Fifth Regiment Virginia Volunteer Infantry, and later became Company F, Fifth West Virginia Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said regiment on the 30th day of April, 1864; Provided, That no back pay, bounty, pension, or allowance shall accrue prior to or by reason of the passage of

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## NELLIE KILDEE

The bill (S. 1093) for the relief of Nellie Kildee was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent for the east half of the southwest quarter, and the west half of the southeast quarter of section 15 in township 44 north and range 3 east, Boise meridian, in the State of Idaho, to Nellie Kildee, who settled and established residence thereon in 1901, when unsurveyed, upon which she has put valuable improvements and fully complied with the homestead law prior to its withdrawal in 1906 for forestry purposes, and whose entry was canceled by the Department of the Interior and motion for the exercise of supervisory authority denied.

The bill was reported to the Senate without amendment ordered to be engrossed for a third reading, read the third time, and passed.

# WILLIAM P. NISBETT, SR., DECEASED

The bill (S. 1360) for the relief of the estate of William P. Nisbett, sr., deceased, was announced as next in order. Mr. KING. Let that go over.

Mr. FERRIS. Mr. President, may I ask the Senator why he makes that request?

Mr. KING. I will hear the explanation of the Senator. Mr. FERRIS. This post office was burglarized in 1922. The postmaster has since died. The bill has been reported unanimously, and the Postmaster General has given it his approval. If there ever was a just claim, this claim of the heirs of William P. Nisbett, sr., is a just claim. I can not see the slightest reason for holding it up.

Mr. KING. Let me ask the Senator, in view of the fact that so many claims are being presented by postmasters for remuneration because of burglaries, whether there was any negligence upon the part of this postmaster in caring for the

Absolutely none. It happened while I was in the city, and I am perfectly familiar with all the details.

Mr. KING. The Senator knows that the department has provided certain regulations-

Mr. FERRIS. Yes, sir.

Mr. KING. And that many of the postmasters depart from those regulations, and are careless in protecting the funds, as a result of which the Government sustains losses in the amount of thousands of dollars.

Mr. FERRIS. This case is absolutely right.

Mr. KING. I have not had time to read the report.

Mr. FERRIS. I am perfectly familiar with the facts. Mr. KING. The Senator is familiar with the facts and states that there was no negligence whatever?

Mr. FERRIS. Absolutely none.

Mr. KING. I will not object to the consideration of the bill,

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as

Be it enacted, etc., That the Postn ster General be, and he is hereby, authorized and directed to credit the legal representatives of the estate of William P. Nisbett, sr., deceased, formerly postmaster at Big Rapids, Mecosta County, Mich., in the sum of \$20,530.52, due to the United States on account of postal stamps, war-saving stamps, and money-order funds which were lost as the result of burglary on the night of November 19, 1922.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## AMENDMENT OF LAND GRANT COLLEGE ACT

The bill (S. 1250) to amend : act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1832, as amended by the act approved March 3, 1883, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the fourth section of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic approved July 2, 1862, as amended by the act approved March 3, 1883, be, and the same is hereby, amended so as to read as follows: "Sec. 4. That all moneys derived from the sale of lands aforesaid

by the States to which lands are apportioned and from the sales of land scrip hereinbefore provided for shall be invested in bonds of the United States or of the States or some other safe bonds: or the same may be invested by the States having no State bonds in any manner after the legislatures of such States shall have assented thereto and engaged that such funds shall yield a fair and reasonable rate of return, to be fixed by the State legislatures, and that the principal thereof shall forever remain unimpaired: Provided, That the moneys so invested or loaned shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section 5 of this act), and the interest of which shall be inviolably appropriated by each State which may take and claim the benefit of this act to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## PATRICK C. WILKES

Mr. HARRIS. Mr. President, I ask the consideraton of Order of Business 182, Senate bill 1859, for the relief of Patrick C. Wilkes, alias Clebourn P. Wilkes. It is a bill to which there can be no objection.

Mr. KING. Does the Senator think we ought to depart from the regular order?

Mr. HARRIS. I will ask the Senator if departures have been made from the regular order at the request of other

Mr. KING. There have been no exceptions, so far as I know. I do not know of any.

Mr. HARRIS. I withdraw the request, then.

#### PAUL B. RELDING

The bill (S. 2197) for the relief of Paul B. Belding was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims, with amendments, on page 1, line 5, after the word "Arkansas," to insert "out of any money in the Treasury not otherwise appropriated"; and on the same page, line 6, to strike out "\$10,000" and insert "\$5,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Paul B. Belding, of Hot Springs, Garland County, Ark., out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 for injuries received while serving as a member of the Reserve Officers' Training Camp at Fort Sheridan, Ill., on the 24th day of June, 1921, due to the explosion of a rifle.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CONCURRENT RESOLUTION PASSED OVER

The concurrent resolution (H. Con. Res. 4) providing for a joint committee to conduct negotiations for leasing Muscle Shoals was announced as next in order.

Mr. JONES of Washington. That, I think, will have to go

over. It could not be disposed of under this order.

The VICE PRESIDENT. The concurrent resolution will be passed over.

### AMERICAN TRANSPORTATION CO.

The bill (S. 104) to carry out the decree of the United States District Court for the Eastern District of Pennsylvania in the case of United States of America, owner of the steam dredge Delaware, against the steamship A. A. Raven, American Transportation Co., claimant, and to pay the amount decreed to be due said company, was considered as in Committee of the Whole and was read, as follows:

Whereas by final decree of the District Court of the United States for the Eastern District of Pennsylvania, entered December 21, 1916, in an action in admiralty known as No. 4 of 1914, wherein the United States, as owner of the steam dredge Delaware, was libellant, and the steamship A. A. Raven, whereof American Transportation Co. was owner, was respondent, which action arose out of a collision between the said dredge and the said steamship, occurring in the Delaware River on December 1, 1913, it was adjudged, ordered, and decreed that both the dredge Delaware and the steamship A. A. Raven were in fault as to said collision; that the damage, costs, and interest accruing to each party in said cause be equally divided; and that said damages, interest, and costs were found to be as follows: To the libellant, \$8,567.34 and to the respondent \$14,883.82; and

Whereas upon dividing the damages of the said dredge Delaware and steamship A. A. Racen, as decreed by the court, it appears that there is due from the United States to said American Transportation Co., as owner of said steamship, the sum of \$3,158.24: Therefore

Be it enacted. etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to the American Transportation Co., out of any money in the Treasury not otherwise appropriated, the sum of \$3,158.24, in full settlement and discharge of the sum found due to said American Transportation Co. by the decree of the United States District Court for the Eastern District of Pennsylvania as hereinbefore recited.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

# AUGUST MICHALCHUK

The bill (S. 521) for the relief of August Michalchuk was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 5, after the word "Michal-chuk," to insert "as guardian of his infant daughter, Lizzie Michalchuk"; and on page 2, line 3, after the word "body," to insert, "Said payment to be taken in full and final settlement of any claim against the United States by both the said August Michalchuk and Lizzie Michalchuk," so as to make [ the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to August Michalchuk as guardian of his infant daughter, Lizzie Michalchuk, the sum of \$3,000 for injuries sustained by his daughter, Lizzie, an infant now about 61/2 years old, who, without negligence on her part or on the part of her parents, was run over July 4, 1920, by a United States mail truck, No. 2290, in charge of Joseph Tembone, causing a compound fracture of the left leg and severe lacerations of the forehead, with bruises and contusions covering the left side of her body. Said payment to be taken in full and final settlement of any claim against the United States by both the said August Michalchuk and Lizzie Michalchuk.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### DAMAGES SUSTAINED BY CITIZENS OF NEW MEXICO

The bill (S. 545) for the payment of damages to certain citizens of New Mexico caused by reason of artificial obstructions to the flow of the Rio Grande by an agency of the United States was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed (1) to cause a survey to be made in such manner and under such regulations as he deems necessary for the purposes of this act to determine the property loss by flood by reason of the overflow of the Rio Grande River on August 17, 1921, sustained by Lucas Trujillo, Juan Bians, Mariano P. Padillo, Bruno Perea, Juan Jose Trujillo, Miguel Trujillo, Francisco Saiz, Antonio Provencio, B. R. Carreros, Santiago Serna, Roman M. Herrera, and other property owners who are citizens of the United States residing at or in the vicinity of Hatch and Santa Teresa, N. Mex.; and (2) to pay such losses in full if the amount appropriated in section 2 of this act is sufficient or, if such amount is insufficient, to pay to each person such percentage of the amount of his property loss as the amount appropriated bears to the amount determined by the Secretary as the property loss sustained.

SEC. 2. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$75,000 or so much thereof as may be necessary for the purposes of this act.

Mr. KING. Mr. President, let me ask the Senator for an explanation of that case. Seventy-five thousand dollars seems to be provided here. I will ask the Senator from New Mexico [Mr. Bratton] to explain it.

Mr. BRATTON. Mr. President, this is a bill introduced by the senior Senator from New Mexico [Mr. Jones]. I may say that it has passed twice before, in the Sixty-seventh and the Sixty-eighth Congresses. It provides for the relief of persons who suffered loss as the result of the Government operation in constructing the Elephant Butte Reservoir in southern New Mexico. Certain artificial things were placed in arroyos there that resulted in practically wiping out the town of Hatch, and its entire citizenship lost practically all of their holdings. This bill authorizes the Secretary of the Interior to ascertain the amount of the loss sustained by each person, and to pay the entire loss if the amount appropriated, \$75,000, is sufficient; and if insufficient, that the claimants prorate and accept payment on the pro rata basis.

Mr. KING. Will the Senator permit an inquiry? Mr. BRATTON. Yes.

Mr. KING. I should like to know whether the Government was engaged in any reclamation project there.

Mr. BRATTON. Yes; it was engaged in the construction of

the Elephant Butte Reservoir.

Mr. KING. The reclamation projects are paid for out of the reclamation fund, which is receiving accretions from the sale of public lands and from the oil receipts derived from leases upon public lands. It seems to me, and I shall be glad to be advised if I am in error, that the item under consideration ought to be charged against that reclamation project.

Mr. BRATTON. I am sure the senior Senator from New Mexico [Mr. Jones] would have no objection. I understand that that fund has adequate money, and it is immaterial to him

from what source the money comes.

Mr. KING. I think the Senator will agree with me that if Congress sets aside a certain fund for the construction of a project, any collateral or extraneous charges ought to be paid out of that fund; and I suggest to the Senator that he accept this amendment.

Mr. BAYARD. Mr. President, will the Senator allow me to say this: I was appointed a subcommittee on this bill over a year ago, when this matter first came up, and made a favorable report, and the bill passed the Senate. My distinct recollec-tion of the fact is—and the Senator from New Mexico will bear me out-that the project under construction by the Government was only partially completed. Possibly, had it been completed, this damage would not have occurred; but, because it was only partially completed when this flood came, the Government project was only sufficiently developed to hold the waters for a certain time, and then, when they broke through this partially developed construction of the Government, they came with a rush and drowned out these people down below.

Surely no provision is made in the reclamation project as a whole for intermediate damages, so to speak, or damages occur-

ring in the intermediate period, during construction.

Mr. KING. Oh, yes.

Mr. BAYARD. Damages may occur thereafter, or a return may be made after the completion, but there is certainly in the reclamation project nothing allowing for damages to people who are injured through faulty construction or the lack of completion during the flood period.

Mr. KING. I do not know that I understand the Sena-

Mr. BAYARD. Permit me to state it again. Here is an operation being carried on by the Government-

Mr. KING. For a reclamation project.

Mr. BAYARD. For a reclamation project. It is incomplete, but it is so complete that when it breaks away because it is not complete it has banked up water to such a degree that is thrown over on innocent people below and washes them and their property away.

Mr. KING. I say the project is responsible for that, not the

Treasury of the United States.

Mr. BAYARD. Is there any law or any provision in connection with this project making the fund responsible for damages'

Mr. KING. All costs incident to the building of the project are to be paid. If we destroy property, if we have to exercise the right of eminent domain in order to carry out the project, all of those charges are put upon the fund.

Mr. BAYARD. May I state to the Senator that when this matter was taken up with the department, the department made no mention of anything being assessed against the project. I assume the department would interpret the law, as the law really reads in regard to this project, and it did not relegate the claim to the fund.

Mr. BRATTON. I do not understand that the Senator from Utah desires that this be charged against any particular project, but that he thinks it should be charged generally against the reclamation fund, which is administered by the Interior Department. That fund, of course, is a revolving fund, and always has ample money with which to pay this or a much

larger claim. That is my understanding.

Mr. KING. I want to be entirely frank with the Senator. I think this ought to be a direct charge against the Elephant Butte project. To illustrate the point I am making, in my State we have one reclamation project, the Strawberry Valley project, which has been, may I say, a very successful one. In the completion of that project it was necessary to condemn land, and my recollection is that some contingencies not foreseen called for expenditures, and property losses were sustained. The fund was charged with those, and the people who will have the project when it is ultimately completed will have to meet those charges. I think that is just and right.

Mr. BRATTON. I do not know the condition of the Rio Grande fund, but the Reclamation Bureau as a whole, separate from the Rio Grande project, was operating this project, and the Rio Grande project was not a completed entity at the time this occurred. If it is charged against the entire fund, the burden falls upon the taxpayers of the United States as a whole, as it should be. If it is taken out of the Rio Grande fund, it still comes out of the revolving fund. It is just as broad as it is long, and it winds up at the same point. not understand that the Senator is contending that the people under the project should bear the burden.

Mr. KING. Yes; I am.
Mr. BRATTON. For the Government wrongfully wiping

out their property?

Mr. KING. Mr. President, the Reclamation Bureau is authorized by legislation of Congress from time to time to enter upon some irrigation or reclamation project. They entered upon the construction of a project in my State and several in Idaho. Each project is a separate entity and is responsible for all costs incident to its completion. That has been the policy from the beginning. I recall one project in Idaho which I visited about the time of its completion. Those in charge encountered difficulties not anticipated. They had charge encountered difficulties not anticipated. incompetent engineers, and the result was that though they told the settlers it would cost only \$30 an acre, it cost them \$70 an acre. The project is charged with all the expenditures and costs which have occurred, and that swelled the charge from \$30 an acre to \$70 an acre. It would be unfair to charge those mistakes and losses to the project in my State or the project in the Senator's State.

Mr. BRATTON- Surely the Senator will not analogize that kind of a situation to an open tort on the part of the Government in the course of constructing a project which had not been turned over to the people. They did not buy any such tort as that. In erecting certain structures there the Government created an artificial dam, which backed water up, the water breaking through the artificial dam and rushing down upon these people, while the Elephant Butte Reservoir was in process of construction, and these people were completely wiped out. Their houses, their homes, their stores, and

everything went.

Mr. KING. Mr. President the Senator must not misunderstand me. I am not objecting to compensation. The only question is the fund from which the compensation shall be Though I am from the West, and my constituents are beneficiaries from these projects, I do not think it is fair to take money out of the Treasury of the United States to pay for what the Senator calls torts, but which I do not call torts. The officials in charge were performing the work there, and, as the Senator knows, frequently mistakes are made in the construction of these dams. When the Government by legislation has said that the funds derived from the sale of public lands shall go into this fund, and the amounts received from the sale of oil which comes to the Government on leased premises shall go into these funds for these irrigation projects, now to come to the General Treasury of the United States to pay for any of these irrigation projects, or for incidental expenses such as those involved here, does seem to be to be unfair, and certainly would be against the understanding of Congress when it set apart these funds and consented that the funds derived from the sale of public lands and the funds derived from the leasing of oil projects owned by the Government should go into this fund.

Mr. BRATTON. To my notion, it would be immeasurably more unfair to say to those people whose houses and homes and stores went out in a flood which was due to the mistakes of the Reclamation Bureau that they should pay for the mistakes the Government made. I can not understand that. bill has passed the Senate on two former occasions.

Mr. KING. Mr. President, I have not made myself clear; but I shall object to this unless there is a provision that the amount shall be paid from the reclamation fund. would be a breach of faith with the people of the United States if we should adopt the policy which I understand the Senator

is contending for.

Mr. BRATTON. Possibly the Senator and I have not understood each other. Does the Senator merely want a pro-vision inserted in the bill to the effect that any money paid out under the provisions of this bill shall be paid from the reclamation fund?

Mr. KING. Yes.

Mr. BRATTON. I have no objection to that.

Mr. KENDRICK. Mr. President, I want to ask the Senator from Utah, if I may, if it is not true that the reclamation fund is essentially a Government fund; and, if that be true, what material difference does it make whether this money is drawn from the reclamation fund or directly from the Treasury

Mr. KING. I can not answer that categorically. If by the Senator's question he means to indicate that this reclamation fund-is analagous to the general funds in the Public Treasury, I say there is a great difference. I say that when Congress agreed by legislation that the moneys derived from the sale of public lands should go into a special fund called the reclamation fund, and that we in the West should have the benefit of the money coming from the leasing of oil lands, and that that should go into that fund, then that fund is to be distinguished from the general funds in the Treasury. I do not think we ought to call upon the people of Massachusetts and of Maryland to pay for these reclamation projects, so long as this reclamation fund has been set apart, and there is money in it for the meeting of the expenses incurred in the construction of reclamation projects.

Mr. KENDRICK. There would be more merit in the Senator's argument, from my viewpoint, if this fund, which we might say is for the time allotted to the purpose of reclamation, were not to be ultimately returned to the Treasury; but is the case, as the Senator knows. Therefore, the only difference it could make to the Government would be in the loss of interest on the money for a time, because we of the West who are the advocates of reclamation have not only insisted on the floor of the Congress that the funds should be returned, but we have been certain that they would be returned. I for one believe that provision of law is to be fulfilled.

Mr. KING. The Senator and I agree.

Mr. KENDRICK. I still have faith in reclamation. I did not hear just what the Senator had to say with reference to the project, but my impression is that this is not altogether a reclamation project. It is under the direction of the Reclama-tion Bureau, but if I am not mistaken it is constructed in part by funds contributed either by private individuals or corporations and from funds drawn from the reclamation fund.

Mr. KING. Would the Senator consent to this, so that there

will be no doubt-

Mr. KENDRICK. Just one word further. Mr. KING. I beg the Senator's pardon; I thought he had concluded.

Mr. KENDRICK. The senior Senator from New Mexico [Mr. Jones] is unavoidably absent. This bill has been passed upon twice by the Senate and, of course, twice by the committee. I believe there was no objection raised to it on the Senate floor when it was passed by this body. I hope the Senator will not further delay action on the bill.

Mr. McKELLAR. Mr. President, will the Senator permit me to make a suggestion about section 2. The bill provides that the money is "hereby appropriated." It must be authorized

to be appropriated.

Mr. KENDRICK. That is all right.

Mr. McKELLAR. I suppose the Senator will accept an amendment of that kind, because this committee had no right to appropriate the money. In line 10, after the word "hereby," I propose to insert the words "authorized to be." I suppose the Senator will accept the amendment?

Mr. BRATTON. That is entirely acceptable.
Mr. BAYARD. Mr. President, may I suggest one other matter to the Senator from Utah? If a reclamation project is undertaken and completed, all the money contributed by the United States, in the first place, from the sale of the various public properties is put into what is called a revolving fund, which eventually is to be paid back by the settlers on the project. So the money comes back into the United States Treasury in the end, does it not?

Mr. KING. Well-

Mr. BAYARD. It necessarily does. That being true, it goes back to the United States Treasury. What difference can it possibly make, when the eventual working out of the project means that the United States will get its money back, whether it appropriates money out of the Treasury at this time or not? I can not see the difference.

Mr. KING. The people of the United States, especially of the East and South, do not take that view. They regard the reclamation fund as a separate fund, and we in the West must keep faith with them. That is the only point I am making. The people of the East have consented that we may have the funds derived from the sale of these lands and these oil funds. We have now spent \$170,000,000, according to my recollection, which we hope some time will be returned to the Treasury of the United States. The understanding is that the cost of these various projects shall be met out of the revolving fund. If the Senator will consent to this amendment, then the matter can go to the House; and if upon further investigation the view of the Senator from Wyoming shall be found to be correct, the matter can be handled in conference.

Mr. BRATTON. I consent that there may be added at the conclusion of section 2 a proviso that any funds expended under the provisions of this act shall be drawn from the reclamation

The VICE PRESIDENT. The question is on agreeing to the

The amendment was agreed to.
Mr. HARRISON. Mr. President, I ask unanimous consent that we may proceed with the calendar for 15 minutes.
The VICE PRESIDENT. Is there objection?

Mr. WARREN. The Chair had not yet announced that the morning hour was closed, but it was the intention of the chairman of the Committee on Appropriations to call up the deficiency appropriation bill at 2 o'clock. If it be the wish

of the Senate, however, to proceed as the Senator from Mississippi has requested, I have no objection.

Mr. HARRISON. We are just at a point where the clerk is about to call a bill which I am exceedingly anxious to have passed.

The VICE PRESIDENT. Without objection, the time for the consideration of the calendar is extended 15 minutes

Mr. JONES of Washington. With reference to the bill just pending, the Senator from Tennessee suggested an amendment which I think is very important. This ought not to be an appropriation. He suggested the insertion of the words "there is hereby authorized to be appropriated." Was that amendment agreed to?

The VICE PRESIDENT. Without objection, the amendment is now agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# CHARLES M. RODEFER

The bill (S. 835) for the relief of Charles M. Rodefer was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 4, to strike our "Charles M. Rodefer" and insert in lieu thereof the words "the Rodefer Glass Co., a corporation of the State of Ohio," and on page 2, line 5, after the word "coupon," to insert the words "attached to or belonging to said certificate," and in line 7, after the word "paid," to strike out the words "Charles M. Rodefer" and insert in lieu thereof the words "the Rodefer Glass Co., a corporation of the State of Ohio," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of the Rodefer Glass Co., a corporation of the State of Ohio, United States Treasury certificate of indebtedness No. 11227, in the denomination of \$10,000, dated September 15, 1919, matured September 15, 1920, series T-10, with interest from March 15, 1920, to September 15, 1920, at the rate of 41/2 per cent per annum, without presentation of the said certificate or the coupon representing interest thereon from March 15, 1920, to September 15, 1920, the certificate having been lost, stolen, or destroyed: Provided, That the said certificate of indebtedness shall not have been previously presented and pa.d, and that payment shall not be made hereunder for any coupon attached to or belonging to said certificate which shall have been previously presented and paid: And provided further, That said the Rodefer Glass Co., a corporation of the State of Ohio, shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said certificate of indebtedness and the interest which had accrued when the principal became due and payable, in such form and with such sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificate of indebtedness and coupon hereinbefore described.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engressed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill for the relief of the Rodefer Glass Co."

## ESTATE OF HALLER NUTT

The bill (8, 1425) for the relief of the legal representative continuous the estate of Haller Nutt, deceased, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Sergeant Prentiss Knut, administrator de bonis non cum testamento annexo of the estate of Haller Nutt, deceased, late of Natchez, .. liss., out of any money in the Treasury not otherwise -ppropriated, the sum of \$131,328, due the estate of the said Haller Nutt for 1 mill and 700 bales of cotton taken for use by the United States militar; authorities, in compliance with the findings of the Court of Claim reported to Congress February 18, 1915.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## WILLIAM ZEISS, ADMINISTRATOR

The bill (S. 1646) for the relief of William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, the sum of \$34,161.63, being the amount found due by the Court of Claims, as reported to Congress in Senate Document No. 146, Fiftyninth Congress, second session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### HILBERT EDISON AND BALPH R. WALTON

The bill (S. 726) for the relief of Hilbert Edison and Ralph R. Walton was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Hilbert Edison, of Astoria, Oreg., the sum of \$231, and to Ralph R. Walton, of Portland, Oreg., the sum of \$238.70, for loss of personal effects in the sinking of the United States concrete ship Captain French, the said Hilbert Edison and Ralph R. Walton having been seamen on the Captain French, and reimbursement for their loss of personal effects as aforesaid having been refused by the War Department because of their alleged failure to sign shipping articles prior to the voyage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (S. 2336) to reimburse Commander Walter H. Allan, civil engineer. United States Navy, for losses sustained while carrying out his duties, was announced as next in order.

Mr. JONES of Washington. I ask that the bill may go

The VICE PRESIDENT. The bill will go over.

The bill (S. 2173) for the relief of employees of the Bureau of Printing and Engraving, who were removed by Executive order of the President, dated March 31, 1922, was announced as next in order.

Mr. CURTIS. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

## EMILY L. HOFFBAUER

The bill (S. 590) for the relief of Emily L. Hoffbauer was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims, with an amendment in line 4, to strike out "\$25,000" and insert in lieu thereof \$10,000," so as to read:

Be it enacted, etc., That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$10,000, which shall be paid by the Secretary of the Treasury to the said Emily L. Hoffbauer for all injuries and damages and moneys expended growing out of injuries and damages received on August 25, 1924, at Point Pleasant, N. J., caused by being struck with the antenna wire and "fish" fastened to said wire attached to United States Navy plane IT-7 while in official flight, consisting of wounds to the head and body, the breaking of the left leg, and nervous shock to the said Emily L. Hoffbauer.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading. read the third time, and passed.

CONVEYANCE OF LANDS IN POWELL TOWN SITE, WYO.

The bill (S. 1169) authorizing the Secretary of the Interior to convey certain lands in Powell town site, Shoshone reclamation project, Wyoming, to Park County, Wyo., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 2, line 14, to strike out the words "Attorney General of the United States shall institute suit in the proper court for the recovery of said land," and insert in lieu thereof "title shall revert to the United States, and the Secretary of the Interior is hereby authorized and empowered to determine the facts and declare such forfeiture and such reversion and restore said land to the public domain, and such order of the Secretary shall be final and conclusive," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause a patent to issue conveying blocks 3. 4. 5, 14, 15, 16, and the east half of blocks 6 and 13, town site of Powell, on the Shoshone reclamation project, Wyoming, to

Park County, Wyo., in trust for use as a county fair grounds; but in said patent there shall be reserved to the United States all oil, coal, and other mineral deposits within said lands and the right to prospect for, mine, and remove the same.

SEC. 2. The conveyance herein is made upon the express condition that within 30 days of the receipt of any request therefor from the Secretary of the Interior the county clerk of Park County, Wyo., shall submit to the Secretary of the Interior a report as to the use made of the land herein granted the county during the preceding period named in such request, showing compliance with the terms and conditions stated in this act; and that in the event of his failure to so report, or in the event of a showing in such report to the Secretary of the Interior that the terms of the grant have not been compiled with, the grant shall be held to be forfeited, and the title shall revert to the United States, and the Secretary of the Interior is hereby authorized and empowered to determine the facts and declare such forfeiture and such reversion and restore said land to the public domain, and such order of the Secretary shall be final and conclusive.

The amendment was agreed to.

The bill was reported to Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### R. P. RUETH

The bill (S. 2533) for the relief of R. P. Rueth, of Chamita, N. Mex., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to R. P. Rueth, of Chamita, N. Mex., the sum of \$350, to reimburse him for money advanced in the year 1922 to repair a bridge over the Rio Grande River near Chamita, N. Mex., at a point where said river traverses Indian lands, and said bridge being primarily for travel and use by Indians.

Mr. KING. May I ask if that money should not be charged to the Indian fund?

Mr. BRATTON. I do not understand that these Indians have any funds.

Mr. KING. Why should the Federal Government pay it?

Mr. BRATTON. If the Senator will turn to the report, he will find that the bridge is used almost entirely by the Indians. It was suddenly washed out and they had no funds with which to replace it. The county paid one-half of the cost, and the local agency assured these people that if they would pay the balance of the cost they would be reimbursed. They advanced the amount, \$350, and the commissioners have recommended that they be reimbursed.

Mr. KING. The Senator knows that the Navajos and various other tribes have funds, and I was wondering, if it should so happen that this tribe had funds, why they should not pay this amount.

Mr. BRATTON. I do not think they have any funds. I would have no objection to authorizing the reimbursement out of any private funds that they may have, of course.

Mr. KING. I shall let the matter pass, but if the Senator will look into it, and if he finds that they have funds out of which the amount could be paid and will have an amendment made in the House to cover it I shall be satisfied.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## FORE RIVER SHIPBUILDING CO.

The bill (S. 1886) to carry out the findings of the Court of Claims in the case of the Fore River Shipbuilding Co. was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of \$106,521.12 to the Fore River Shipbuilding Co., successor of the Fore River Engine Co. and the Fore River Ship & Engine Co., being the difference between the actual cost of the construction of two torpedo-boat destroyers and the amount paid under the contract entered into for the building of the said boats, as found by the Court of Claims and reported in Senate Document No. 170, Sixty-sixth Congress, second session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## FLORENCE PROUD

The bill (S. 2091) for the relief of Florence Proud was considered as in Committee of the Whole. The bill had been read and be recorded at the interstate station,

ported from the Committee on Claims with an amendment, in line 4, after the word "pay," to insert the words "out of any money in the Treasury not otherwise appropriated," so as to read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Florence Proud, widow of Thomas Proud, formerly a carpenter employed in the construction of the Coast Artillery cantonment, Fort Winfield Scott, Calif., and who was killed while inside the Fort Scott Reservation, the sum of \$5,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## SOUTH PLATTE RIVER COMPACT

The bill (8. 2825) to grant the consent and approval of Congress to the South Platte River compact was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent and approval of Congress is hereby given to the compact signed by the commissioners for the States of Colorado and Nebraska at the city of Lincoln, State of Nebraska, on the 27th day of April, A. D. 1923, and thereafter approved by the Legislature of the State of Colorado by an act approved February 26, 1925 (Session Laws, Colorado, 1925, ch. 179, pp. 529-541), and by the Legislature of the State of Nebraska by an act approved May 3, 1923 (Session Laws, Nebraska, 1923, ch. 125, pp. 299-310), which compact is as follows:

"The State of Colorado and the State of Nebraska, desiring to remove all causes of present and future controversy between said States, and between citizens of one against citizens of the other, with respect to the waters of the South Platte River, and being moved by considerations of interstate comity, have resolved to conclude a compact for these purposes and, through their respective governors, have named as their commissioners:

"Delph E. Carpenter, for the State of Colorado, and Robert H. Willis, for the State of Nebraska, who have agreed upon the following articles:

## "ARTICLE I

"In this compact-

"1. The State of Colorado and the State of Nebraska are designated, respectively, as 'Colorado' and 'Nebraska.'

"2. The provisions hereof respecting each signatory State shall include and bind its citizens and corporations and all others engaged or interested in the diversion and use of the waters of the South Platte River in that State.

"3. The term 'upper section' means that part of the South Platte River in the State of Colorado above and westerly from the west boundary of Washington County, Colo.

boundary of Washington County, Colo.

"4. The term 'lower section' means that part of the South Platte River in the State of Colorado between the west boundary of Washington County and the intersection of said river with the boundary line common to the signatory States.

"5. The term 'interstate station' means that stream-gauging station described in Article II.

"6. The term 'flow of the river' at the interstate station means the measured flow of the river at said station, plus all increment to said flow entering the river between the interstate station and the diversion works of the western irrigation district in Nebraska.

## "ARTICLE II

"1. Colorado and Nebraska, at their joint expense, shall maintain a stream-gauging station upon the South Platte River at the river bridge near the town of Julesburg, Colo., or at a convenient point between said bridge and the diversion works of the canal of the western irrigation district in Nebraska, for the purpose of ascertaining and recording the amount of water flowing in said river from Colorado into Nebraska and to said diversion works at all times between the 1st day of April and the 15th day of October of each year. The location of said station may be changed from year to year as the river channels and water flow conditions of the river may require.

"2. The State engineer of Colorado and the secretary of the department of public works of Nebraska shall make provision for the cooperative gauging at and the details of operation of said station and for the exchange and publication of records and data. Said State officials shall ascertain the rate of flow of the South Platte River through the lower section in Colorado and the time required for increases or decreases of flow, at points within said lower section, to reach the interstate station. In carrying out the provisions of Article IV of this compact, Colorado shall always be allowed sufficient time for any increase in flow (less permissible diversions) to pass down the river and be recorded at the interstate station.

#### "ARTICLE III

"The waters of Lodgepole Creek, a tributary of the South Platte River, flowing through Nebraska and entering said river within Colorado, hereafter shall be divided and apportioned between the signatory States as follows:

"1. The point of division of the waters of Lodgepole Creek shall be located on said creek 2 miles north of the boundary line common to the signatory States.

"2. Nebraska shall have the full and unmolested use and benefit of all waters flowing in Lodgepole Creek above the point of division and Colorado waives all present and future claims to the use of said waters. Colorado shall have the exclusive use and benefit of all waters flowing at or below the point of division.

"3. Nebraska may use the channel of Lodgepole Creek below the point of division and the channel of the South Platte River between the mouth of Lodgepole Creek and the interstate station for the carriage of any waters of Lodgepole Creek which may be stored in Nebraska above the point of division and which Nebraska may desire to deliver to ditches from the South Platte River in Nebraska, and any such waters so carried shall be free from interference by diversions in Colorado and shall not be included as a part of the flow of the South Platte River to be delivered by Colorado at the interstate station in compliance with Article IV of this compact: Provided, houverer, That such runs of stored water shall be made in amounts of not less than 10 cubic feet per second of time and for periods of not less than 24 hours.

### "ARTICLE IV

"The waters of the South Platte River hereafter shall be divided and apportioned between the signatory States as follows:

"1. At all times between the 15th day of October of any year and the 1st day of April of the next succeeding year Colorado shall have the full and uninterrupted use and benefit of the waters of the river flowing within the boundaries of the State, except as otherwise provided by Article VI.

"2. Between the 1st day of April and the 15th day of October of each year Colorado shall not permit diversion from the lower section of the river to supply Colorado appropriations having adjudicated dates of priority subsequent to the 14th day of June, 1897, to an extent that will diminish the flow of the river at the interstate station on any day below a mean flow of 120 cubic feet of water per second of time, except as limited in paragraph 3 of this article.

"3. Nebraska shall not be entitled to receive, and Colorado shall not be required to deliver, on any day any part of the flow of the river to pass the interstate station as provided by paragraph 2 of this article, not then necessary for beneficial use by those entitled to divert water from said river within Nebraska.

"4. The flow of the river at the interstate station shall be used by Nebraska to supply the needs of present perfected rights to the use of water from the river within said State before permitting diversions from the river by other claimants.

"5. It is recognized that variable climatic conditions, the regulation and administration of the stream in Colorado, and other causes will produce diurnal and other unavoidable variations and fluctuations in the flow of the river at the interstate station, and it is agreed that, in the performance of the provisions of said paragraph 2, minor or compensating irregularities and fluctuations in the flow at the interstate station shall be permitted; but where any deficiency of the mean daily flow at the interstate station may have been occasioned by neglect, error, or failure in the performance of duty by the Colorado water officials having charge of the administration of diversions from the lower section of the river in that State, each such deficiency shall be made up, within the next succeeding period of 72 hours, by delivery of additional flow at the interstate station, over and above the amount specified in paragraph 2 of this article, sufficient to compensate for such deficiency.

"6. Reductions in diversions from the lower section of the river, necessary to the performance of paragraph 2 of this article by Colorado, shall not impair the rights of appropriators in Colorado (not to include the proposed Nebraska canal described in Article VI), whose supply has been so reduced, to demand and receive equivalent amounts of water from other parts of the stream in that State according to its constitution, laws, and the decisions of its courts.

"7. Subject to compliance with the provisions of this article, Colorado shall have and enjoy the otherwise full and uninterrupted use and benefit of the waters of the river which hereafter may flow within the boundaries of that State from the 1st day of April to the 15th day of October in each year, but Nebraska shall be permitted to divert, under and subject to the provisions and conditions of Article VI, any surplus waters which otherwise would flow past the interstate station.

## "ARTICLE V

"1. Colorado shall have the right to maintain, operate, and extend, within Nebraska, the Peterson Canal and other canals of the Julesburg irrigation district which now are or may hereafter be used for the carriage of water from the South Platte River for the irrigation of lands in both States, and Colorado shall continue to exercise control

and jurisdiction of said canals and the carriage and delivery of water thereby. This article shall not excuse Nebraska water users from making reports to Nebraska officials in compliance with the Nebraska laws.

"2. Colorado waives any objection to the delivery of water for irrigation of lands in Nebraska by the canals mentioned in paragraph 1 of this article, and agrees that all interests in said canals and the use of waters carried thereby, now or hereafter acquired by owners of lands in Nebraska, shall be afforded the same recognition and protection as are the interests of similar landowners served by said canals within Colorado: Provided, however, That Colorado reserves to those in control of said canals the right to enforce the collection of charges or assessments, hereafter levied or made against such interests of owners of the lands in Nebraska, by withholding the delivery of water until the payment of such charges or assessments; provided, however, such charges or assessments shall be the same as those levied against similar interests of owners of land in Colorado.

"3. Nebraska grants to Colorado the right to acquire by purchase, prescription, or the exercise of eminent domain such rights of way, easements, or lands as may be necessary for the construction, maintenance, operation, and protection of those parts of the above-mentioned canals which now or hereafter may extend into Nebraska.

## "ARTICLE VI

"It is the desire of Nebraska to permit its citizens to cause a canal to be constructed and operated for the diversion of water from the South Platte River within Colorado for irrigation of lands in Nebraska; that said canal may commence on the south bank of said river at a point southwesterly from the town of Ovid, Colo., and may run thence easterly through Colorado along or near the line of survey of the formerly proposed Perkins County Canal (sometimes known as the South Divide Canal) and into Nebraska, and that said project shall be permitted to divert waters of the river as hereinafter provided. With respect to such proposed canal it is agreed:

"1. Colorado consents that Nebraska and its citizens may hereafter construct, maintain, and operate such a canal and thereby may divert water from the South Platte River within Colorado for use in Nebraska in the manner and at the time in this article provided, and grants to Nebraska and its citizens the right to acquire by purchase, prescription, or the exercise of eminent domain such rights of way, easements, or lands as may be necessary for the construction, maintenance, and operation of said canal; subject, however, to the reservations and limitations and upon the conditions expressed in this article which are and shall be limitations upon and reservations and conditions running with the rights and privileges hereby granted, and which shall be expressed in all permits issued by Nebraska with respect to said canal.

"2. The net future flow of the lower section of the South Platte River which may remain after supplying all present and future appropriations from the upper section and after supplying all appropriations from the lower section perfected prior to the 17th day of December, 1921, and after supplying the additional future appropriations in the lower section for the benefit of which a prior and preferred use of 35,000 acre-feet of water is reserved by subparagraph (a) of this article, may be diverted by said canal between the 15th day of October of any year and the 1st day of April of the next succeeding year, subject to the following reservations, limitations, and conditions:

"(a) In addition to the water now diverted from the lower section of the river by present perfected appropriations Colorado hereby reserves the prior, preferred, and superior right to store, use, and to have in storage in readiness for use on and after the 1st day of April in each year an aggregate of 35,000 acre-feet of water to be diverted from the flow of the river in the lower section between the 15th day of October of each year and the 1st day of April of the next succeeding year, without regard to the manner or time of making such future uses, and diversions of water by said Nebraska canal shall in no manner impair or interfere with the exercise by Colorado of the right of future use of the water hereby reserved.

"(b) Subject at all times to the reservation made by subparagraph (a) and to the other provisions of this article, said proposed canal shall be entitled to divert 500 cubic feet of water per second of time from the flow of the river in the lower section, as of priority of appropriation of date December 17, 1921, only between the 15th day of October of any year and the 1st day of April of the next succeeding year upon the express condition that the right to so divert water is and shall be limited exclusively to said annual period and shall not constitute the basis for any claim to water necessary to supply all present and future appropriations in the upper section or present appropriations in the lower section and those hereafter to be made therein as provided in subparagraph (a).

"3. Neither this compact nor the construction and operation of such a canal nor the diversion, carriage, and application of water thereby shall vest in Nebraska, or in those in charge or control of said canal or in the users of water therefrom, any prior, preferred, or superior servitude upon or claim or right to the use of any water of the South Platte River in Colorado from the 1st day of April to the 15th day of October of any year or against any present or future

appropriator or user of water from said river in Colorado during said period of every year, and Nebraska specifically waives any such claims and agrees that the same shall never be made or asserted. Any surplus waters of the river, which otherwise would flow past the interstate station during such period of any year after supplying all present and future diversions by Colorado, may be diverted by such a canal, subject to the other provisions and conditions of this article.

"4. Diversions of water by said canal shall not diminish the flow necessary to pass the interstate station to satisfy superior claims of

users of water from the river in Nebraska.

"5. No appropriations of water from the South Platte River by any other canal within Colorado shall be transferred to said canal or be claimed or asserted for diversion and carriage for use on lands in Nebraska.

"6. Nebraska shall have the right to regulate diversions of water by said canal for the purposes of protecting other diversions from the South Platte River within Nebraska and of avoiding violations of the provisions of Article IV; but Colorado reserves the right at all times to regulate and control the diversions by said canal to the extent necessary for the protection of all appropriations and diversions within Colorado or necessary to maintain the flow at the interstate station as provided by Article IV of this compact.

### "ARTICLE VII

"Nebraska agrees that compliance by Colorado with the provisions of this compact and the delivery of water in accordance with its terms shall relieve Colorado from any further or additional demand or claim by Nebraska upon the waters of the South Platte River within Colorado.

#### "ARTICLE VIII

"Whenever any official of either State is designated herein to perform any duty under this contract, such designation shall be interpreted to include the State official or officials upon whom the duties now performed by such official may hereafter devolve, and it shall be the duty of the officials of the State of Colorado charged with the duty of the distribution of the waters of the South Platte River for irrigation purposes to make deliveries of water at the interstate station in compliance with this compact without necessity of enactment of special statutes for such purposes by the General Assembly of the State of Colorado.

### "ARTICLE IX

"The physical and other conditions peculiar to the South Platte River and to the territory drained and served thereby constitute the basis for this compact and neither of the signatory States hereby concedes the establishment of any general principle or precedent with respect to other interstate streams.

## "ARTICLE X

"This compact may be modified or terminated at any time by mutual consent of the signatory States, but, if so terminated, and Nebraska or its citizens shall seek to enforce any claims of vested rights in the waters of the South Platte River, the statutes of limitation shall not run in favor of Colorado or its citizens with reference to claims of the western irrigation district to the water of the South Platte River from the 16th day of April, 1916, and as to all other present claims from the date of the approval of this compact to the date of such termination, and the State of Colorado and its citizens who may be made defendants in any action brought for such purpose shall not be permitted to plead the statutes of limitation for such periods of time.

## "ARTICLE XI

"This compact shall become operative when approved by the legislature of each of the signatory States and by the Congress of the United States. Notice of approval by the legislature shall be given by the governor of each State to the governor of the other State, and to the President of the United States, and the President of the United States is requested to give notice to the governors of the signatory States of the approval by the Congress of the United States.

"In witness whereof the commissioners have signed this compact in duplicate originals, one of which shall be deposited with the secre-

tary of state of each of the signatory States.

"Done at Lincoln, in the State of Nebraska, this 27th day of April, in the year of our Lord 1923.

"DELPH E. CARPENTER. "ROBERT H. WILLIS."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## JOHN H. WALKER

The bill (S. 549) for the relief of John H. Walker was considered as in Committee of the Whole and was read, as follows:

Be it enocted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,690.52 to John H. Walker, of

Pasadena, Calif., as compensation in full for services rendered by him in the matter of the survey of public lands under contract No. 385, New Mexico.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FRED V. PLOMTEAUX

The bill (S. 553) for the relief of Fred V. Plomteaux was considered as in Committee of the Whole and was read.

Mr. BRATTON. At the request of the senior Senator from New Mexico [Mr. Jones], the author of the bill, I move to amend in line 5 by striking out the numerals "\$200" and inserting in lieu thereof "\$125."

The VICE PRESIDENT. The amendment will be stated.
The CHEF CLERK. On page 1, line 5, strike out "\$200" and insert "\$125," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of \$125 to Fred V. Plomteaux, of Espanola, N. Mex., as reimbursement for the loss of two horses, one having died while in use on official business on May 12, 1916, and the other being killed on account of an injury sustained while in official use on July 8, 1914; said horses being the personal property of Fred V. Plomteaux and used by him in the performance of his duties as forest ranger.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### FRANK GRYGLA

The bill (S. 554) for the relief of Frank Grygla was considered as in Committee of the Whole and read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the heirs of Frank Grygla, deceased, out of any money in the Treasury not otherwise appropriated, the sum of \$669.71, for salary as special agent of the General Land Office for the period October 15, 1901, to May 3, 1902, being at the rate of \$1,200 per annum, such salary having been withheld on account of his suspension from duty by an order of the department to investigate charges against him which were not sustained and from which he was entirely exonerated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## FIRST LIEUT, HARRY L. ROGERS, JR.

The bill (S. 37) for the relief of First Lieut. Harry L. Rogers, jr., was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment on page 1, line 6 to strike out "\$902.53" and insert "\$700," so as to read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Harry L. Rogers, jr., first lieutenant, Infantry, United States Army, out of any money in the Treasury not otherwise appropriated, the sum of \$700, as reimbursement for the loss sustained by him as commanding officer of the Twenty-fifth Recruit Company, Fort Slocum, N. Y., when such amount was stolen on or about April 1, 1921, by his company clerk, who immediately thereafter deserted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## JAMES W. LAXSON

The bill (S. 547) for the relief of James W. Laxson was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$182 to James W. Laxson for a refund covering timber taken from his homestead entry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## COMPILATION OF INDIAN LAWS AND TREATIES

The resolution (S. Res. 57) authorizing the preparation of compilation of Indian laws and treaties was announced as next in order.

Mr. JONES of Washington. I ask that the resolution may

The VICE PRESIDENT. The resolution will go over.

WIDENING OF FIRST STREET NE.

The bill (S. 2041) to provide for the widening of First Street between G Street and Myrtle Street NE., and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of Chapter XV of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia, within six months after the passage of this act, a proceeding in rem to condemn the land that may be necessary for the widening of First Street between G and Myrtle Streets NE., along the eastern boundaries of squares Nos. 675, 676, and 677, said street to be widened on such lines and to such a width as said commissioners may deem best for the public interest: Provided, That if the amount found to be due and awarded by the jury in such proceeding as damages for and in respect of the land condemned for such widening, plus the costs and expenses of the proceeding hereunder, is greater than the amount of benefits assessed, then the amount of such excess shall be paid out of the revenues of the District of Columbia.

SEC. 2. That there is hereby authorized to be appropriated, out of the revenues of the District of Columbia, an amount sufficient to pay the necessary costs and expenses of the condemnation proceeding hereunder, and for the amounts awarded as damages; and the amounts assessed as benefits, when collected, shall be covered into the Treasury to the credit of the revenues of the District of Columbia.

SEC. 3. That the act approved March 3, 1923, entitled "An act to authorize the widening of First Street NE., and for other purposes," be, and the same is hereby, repealed, and the Commissioners of the District of Columbia are authorized and directed to discontinue and abandon the proceeding heretofore instituted by them under said act for the widening of the said First Street, known as District Court Cause No. 1594.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ACQUISITION OF LANDS IN DISTRICT OF COLUMBIA

The bill (H. R. 4785) to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by section 22 of the public buildings appropriation act approved March 4, 1913 (Stat. L., vol. 37, p. 885), for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park, there is hereby authorized to be appropriated, out of the surplus revenues of the District of Columbia made available by Public Law 358, Sixty-eighth Congress, approved February 2, 1925, in addition to the sum authorized by said act of March 4, 1913, the sum of \$600,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## RUACK RIVER BRIDGE, LOUISIANA

The bill (8, 2784) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Black River at or near Jonesville, La., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Louisiana to construct, maintain, and operate a bridge and approaches thereto across the Black River, at a point suitable to the interests of navigation, at or near Jonesville, La., and in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## QUACHITA RIVER BRIDGE, LA.

The bill (S. 2785) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and

risonburg, La., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Louisiana to construct, maintain, and operate a bridge and approaches thereto across the Ouachita River, at a point suitable to the interests of navigation, at or near Harrisonburg, La., and in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (S. 1544) to amend section 202 of the act of Congress approved March 4, 1923, known as the agricultural credits act of 1923, was announced as next in order.

Mr. KING. I ask that the bill may go over. The VICE PRESIDENT. The bill will be passed over.

RELIEF OF MEMBERS OF MARINE CORPS BAND

The bill (S. 2058) for the relief of members of the band of the United States Marine Corps who were retired prior to June 30, 1922, and for the relief of members transferred to the Fleet Marine Corps Reserve was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the provisions of section 11 of the act of March 4, 1925, an act providing for sundry matters affecting the naval service, establishing the pay and allowances authorized for the second leader and musicians of the band of the United States Marine Corps, shall apply in computing the pay of all former members of the band now on the retired list, including those former members transferred to the Fleet Marine Corps Reserve and who are now on the active and retired lists of the Fleet Marine Corps Reserve.

Mr. KING. Mr. President, I would like to have an explanation of the bill.

Mr. COPELAND. The report makes its purpose very clear. It is to relieve certain of the enlisted men affected by the previous legislation relating to matters of pay and allowances These are the only enlisted men in the Army, Navy, and Marine Corps who have not been allowed the benefits under the retired pay act. The others when they were transferred were given the benefit of increased pay. The Secretary of were given the benefit of increased pay. the Navy has said that it is simply a matter of equity that these men be granted relief, and that was the feeling of the committee.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## BILLS PASSED OVER

The bill (8. 1040) concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States was announced as next in order.

Mr. KING. Let the bill go over. The VICE PRESIDENT. The bill will be passed over. The bill (S. 1885) for the relief of James Minon was announced as next in order.

Mr. KING. Let the bill go over.
The VICE PRESIDENT. The bill will go over.

# PUBLIC LIBRARY IN DISTRICT OF COLUMBIA

The bill (S. 2673) to amend the act approved June 3, 1896, entitled "An act to establish and provide for the maintenance of a free public library and reading room in the District of Columbia," was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the act approved June 8, 1896, entitled "An act to establish and provide for the maintenance of a free public library and reading room in the District of Columbia," be, and the same is hereby, amended so as to read as follows:

"SECTION 1. That a free public library is hereby established and shall be maintained in the District of Columbia, which shall be the property of the said District and a supplement of the public educational system of said District. Said library shall consist of a central library and such number of branch libraries so located and so supported as to furnish books and other printed matter and information service convenient to the homes and offices of all residents of the said District. All actions relating to such library, or for the recovery of any penalties lawfully established in relation thereto, shall be brought in the name of the District of Columbia, and the commissioners of the said District are authorized on behalf of said District to accept and take title to all gifts, bequests, and devices for the purpose of aiding operate a bridge across the Ouachita River, at or near Har- in the maintenance or endowment of said library; and the commissioners of said District are further authorized to receive, as component parts of said library, collections of books and other publications that may be transferred to them.

"Sec. 2. That in order to make the said library an effective supplement of the public educational system of the said District and to furnish the system of branch libraries provided for in section 1 hereof, the board of library trustees, hereinafter provided, is authorized to enter into agreements with the Board of Education of the said District for the establishment and maintenance of branch libraries in suitable rooms in such public-school buildings of the said District as will supplement the central library and branch libraries in separate buildings. The board of library trustees, hereinafter provided, is authorized to rent suitable buildings or parts of buildings for use as branch libraries and distributing stations.

"SEC. 3. That all persons who are permanent or temporary residents of the District of Columbia shall be entitled to the privileges of said library, including the use of the books contained therein, as a lending or circulating library, subject to such rules and regulations as may be lawfully established in relation thereto. Persons living outside of the said District but having regular business or employment or attending school in the said District shall, for the purpose of this act, be deemed temporary residents. Other persons residing in countles of Maryland and Virginia adjacent to the said District may gain the privilege of withdrawing books from the said library by the payment of fees fixed by the board of library trustees hereinafter provided. Said fees shall be expended by the board of library trustees, hereinafter provided, for the support of the said library.

"Sec. 4. That the said library shall be in charge of a board of library trustees, who shall purchase the books, magazines, and newspapers and procure the necessary appendages for such library. The said board of trustees shall be composed of nine members, each of whom shall be a taxpayer in the District of Columbia, and shall serve without compensation. They shall be appointed by the Commissioners of the District of Columbia and shall hold office for six years: Providea, That at the first meeting of the said board the members shall be divided by lot into three classes. The first class, composed of three members, shall hold office for two years; the second class, composed of three members, shall hold office for four years; the third class, composed of three members, shall hold office for six years. Any vacancy occurring in said board shall be filled by the District Commissioners. Said board shall have power to provide such regulations for its organization and government as it may deem necessary.

"Sec. 5. That the said board shall have power to provide for the proper care and preservation of said library, to prescribe rules for taking and returning books, to fix, assess, and collect fines and penalties for the loss of or injury to books, and for the retention of books beyond the period fixed by library regulations, and to establish all other needful rules and regulations for the management of the library as the said board shall deem proper. All fines and penalties so collected shall be expended by the said board for the support of the said library. The said board of trustees shall appoint a librarian to have the care and superintendence of said library, who shall be responsible to the board of trustees for the impartial enforcement of all rules and regulations lawfully established in relation to said library. The said librarian shall appoint such assistants as the board of library trustees shall make an annual report to the Commissioners of the District of Columbia relative to the management of the said library.

"Sec. 6. That said Commissioners of the said District are authorized to include in their annual estimates for appropriations such sums as they may deem necessary for the proper maintenance of said library, including branches, for the purchase of land for sites for library buildings, and for the erection and enlargement of necessary library buildings."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF CERTAIN DISBURSING OFFICERS, DEPARTMENT OF THE INTERIOR

The bill (8. 2993) to allow credits in the accounts of certain disbursing officers of the Department of the Interior was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment on page 2, after line 4, to strike out the following:

2. In the accounts of George W. Evans, late chief disbursing clerk, Department of the Interior, for payment made by him from the appropriation "Contingent expenses, Department of the Interior, 1923," to George & Co., Washington, D. C., in the sum of \$19.50.

3. In the accounts of R. Depue, special fiscal agent, Bureau of Reclamation, for payment made by him in 1923 from the reclamation fund (special fund) to S. Livingston & Son, Washington, D. C., in the sum of \$11.40.

So as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed, in the settlement of the accounts of the following-named disbursing officers of the Department of the Interior to allow credit in the sums herein stated, now standing as disallowances in said accounts on the books of the General Accounting Office:

1. In the accounts of George W. Evans, late chief disbursing clerk, Department of the Interior, for payments made by him to the Santarium Co., Portland, Oreg., in the total sum of \$35,434.59, from the appropriations for "Care and custody of insane, Alaska," for the fiscal years 1921, 1922, and 1923, which sum shall not be recovered from said company.

2. In the accounts of Joseph P. Siebeneicher, special disbursing agent of Indian funds, Flathead irrigation project, Montana, for payment made by him to Mary Beauchemin from the appropriation "Irrigation systems, Flathead Indian Reservation, Mont., reimbursable" (42 Stat. p. 571), in the sum of \$100.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### FRANCIS J. YOUNG

The bill (S. 1755) for the relief of Francis J. Young was considered as in Committee of the Whole and read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Francis J. Young, father of Wallace J. Young, late consul at Bradford, England, \$4,500, being one year's salary of his deceased son, who died of illness incurred in the Consular Service; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## TENA PETTERSEN

The bill (S. 959) for the relief of Tena Pettersen was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Tena Pettersen, former widow of Niles Alvin Trulson, the sum of \$375, the proceeds of certain timber cut upon the southwest quarter northeast quarter, northwest quarter southwest quarter, northeast quarter southwest quarter, and lot 3, section 18, township 159 north, range 28 west, fifth principal meridian, Minnesota, homestead entry Cass Lake 01351, which was paid into the Treasury of the United States on or about August 30, 1912, pending final proof upon the homestead entry on said land to which said Tena Pettersen now has patent.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## GLADYS L. BROWN

The bill (S. 1794) to extend the benefits of the employers' liability act of September 7, 1916, to Gladys L. Brown, a former employee of the Bureau of Engraving and Printing, Washington, D. C., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Gladys L. Brown, a former employee in the Bureau of Engraving and Printing, Washington, D. C., the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## PHILIP T. POST

The bill (S. 2887) for the relief of Philip T. Post was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$383.63 to Philip T. Post in compensation for the reporting of Army general courts-martial.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## URGENT DEFICIENCY APPROPRIATIONS

The bill (H. R. 8722) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes, was announced as next in order.

Mr. WARREN. Mr. President, I shall wish to take up the bill in a few moments, but under the unanimous-consent agreement we were to consider unobjected bills on the calendar until 2.15, and it is not yet quite that time.

The VICE PRESIDENT. Is there objection to proceeding with the regular order of business? The Chair hears none, and

the bill will be proceeded with.

Mr. KING. Mr. President, before the deficiency bill is taken up for consideration, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Lenroot McKellar MeKinley McMaster McNary Mayfield Metcalf Sackett Sheppard Shipstead Smith Stanfield Stephens Swanson Trammell Treson Dill Ashurst Bayard Bingham Edge Ferris Fess Frazier Bratton George Gerry Goff Gooding Hale Harris Brookhart Broussard Bruce Butler Neely Norbeck Norris Nye Oddie Tyson Underwood Wadsworth Walsh Warren Cameron Harrison Heffin Howell Jones, Wash. Kendrick Capper Copeland Couzens Overman Watson Wheeler Williams Willis Pepper Phipps Pittman Ransdell Cummins Curtis Dale King La Follette Robinson Ark. Deneen

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Seventy-one Senators having answered to their names, a quorum is present. The deficiency appropriation bill will be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8722) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. Mr. President, I think it proper that I should state before the Senate proceeds to the consideration of the bill that it is rather extraordinary that, owing to the very important matters which engaged the attention of the Senate in the early part of this session, the so-called deficiency bill, which usually receives the consideration of Congress in the first week or two of the session, has not been prepared and presented to the Senate at an earlier date. Consequently there are included in this deficiency bill all of those items which have come up, and for which provision had to be made, subsequent to the time when the regular appropriation bills for the current fiscal year were enacted. Of course, the matters which have come up in the interim and which necessitate the expenditure of public money are very numerous. Therefore the bill carries \$423,527,162.07.

In preparing the bill the Senate committee had to consider those items of expense which were incurred yesterday and day before and at other very recent dates, so that the Senate committee had to make additions to the bill over the amounts carried by the House. Those additions, less the subtractions made by the committee, amount to nearly \$42,000,000.

As the reading of the bill proceeds, it will be noticed that there are various amendments; and I now wish to make the usual request in the case of appropriation bills, that the formal first reading of the bill may be dispensed with, that the bill may be read for amendment, and that the committee amendments shall be first considered.

The PRESIDING OLICER. Is there objection? The Chair hears none, and it is so ordered. The Secretary will proceed to read the bill.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "Legislative," on page 2, after line 1, to insert:

SENATE

Salaries: For compensation of Senators, for the fiscal years that follow:

For 1925, \$75,000; For 1926, \$240,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 6, to insert:

For compensation of the Vice President, for the fiscal years that follow:

For 1925, \$975;

For 1926, \$3,275.

The amendment was agreed to.

The next amendment was, on page 2, after line 10, to insert:

To pay Ruth Hanna McCormick, widow of Hon. Medill McCormick, late a Senator from the State of Illinois, \$7,500.

The amendment was agreed to.

The next amendment was, on page 2, after line 13, to insert: To pay to Belle Case La Follette, widow of Hon. Robert M. La Follette, late a Senator from the State of Wisconsin, \$10,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 16, to insert:
For payment to Susan B. Spencer, widow of Hon. Selden P. Spencer,
late a Senator from the State of Missouri, \$10,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 19, to insert: For payment to Jennie C. Raiston, widow of Hon. Samuel M. Raiston, late a Senator from the State of Indiana, \$10,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 22, to insert: To pay to Rizpah S. Ladd, widow of Hon. Edwin F. Ladd, late a Senator from the State of North Dakota, \$10,000.

The amendment was agreed to.

The next amendment was, at the top of page 3, to insert:

For the purchase and exchange of an automobile for the Vice President, \$5.135.75.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to insert: For stationery for Senators, committees, and officers of the Senate. \$2.500.

The amendment was agreed to.

The next amendment was, on page 3, after line 4, to insert: Hereafter, in event of the death, resignation, or disability of the Secretary of the Senate, the financial clerk of the Senate shall be deemed his successor as a disbursing officer, under his bond as financial clerk, and he shall serve as such disbursing officer until the end of the quarterly period during which a new Secretary shall have been elected and qualified, or such disability shall have been ended.

The amendment was agreed to.

Mr. KING. Mr. President, we have been hearing a great deal about the economies of Mr. Coolidge, and our Republican friends have boasted about the reduction in the appropriations for the present fiscal year. As a matter of fact there was no reduction, but the appropriations exceeded those for the preceding year, as I now recall. However, the bill which has just been presented is a deficiency bill carrying \$423,577,162.07. As I understand, the bill is intended to cover deficiencies for the fiscal year which will end on June 30, 1926. It means that, notwithstanding the enormous appropriations of practically \$4,000,000,000 made for the current fiscal year, there is a deficiency already of \$423,500,000, to be followed before the adjournment of Congress by another deficiency bill totaling, perhaps, tens if not hundreds of millions of dollars more. Will the Senator from Wyoming explain why we did not make sufficient appropriations at the last session and why there were so many boasts by our Republican friends of economy, when we are now confronted with this enormous deficiency bill, to be followed by another?

It does seem to me, Mr. President, that instead of cutting down expenses the Republican administration is increasing expenses; and if we appropriate four and a half billion dollars—and it will amount to that for the fiscal year 1926—and that is the measure of Republican economy, what may we hope for for the next fiscal year and for succeeding fiscal years under Republican administration?

Mr. WARREN. Mr. President, there is not and should not be any politics in considering the appropriations of Congress, and I rather dislike at any time to allude to parties, as such, rather than to the Government of the United States; but a large proportion of the appropriations in this bill is caused by legislation which was enacted when the Democratic Party had control of the Government, and much of it is to provide for objects which they inaugurated while they were conducting the affairs of the Government and before they surrendered control to the Republican Party. Items of that character have

come up from time to time.

So far as this bill is concerned, a very small proportion of the appropriations carried by it can properly be considered to be deficiencies in the ordinary and usual acceptation of that term. In other words, the word "deficiency" may strike everyone as meaning that we have heretofore failed to appropriate sufficient amounts for certain work of the Government, and it has subsequently been found necessary to increase the appro-There are such items found in this bill to a limited degree; but, on the other hand, there are obligations created under legislation by Congress which involve expenditures that it is necessary to meet. Many laws are enacted by Congress subsequent to the time when the annual appropriation bills are considered and acted upon, consequently they must be provided for in some general measure, and they are provided for, and have been in the past, by deficiency bills. Such items come up at every session, year after year.

To refer to specific items, I may say that for the Veterans Bureau there are carried in this bill at one place one hundred and sixty-odd million dollars in addition to about \$40,000,000

at another place.

The items under the Treasury Department call for appropriations of over \$200,000,000. I will give some of the larger items for the information of the Senator from Utah.

For the Veterans' Bureau there is an appropriation direct of \$38,000,000 in one part of this bill, and some \$160,000,000 more in another portion of the bill.

The bill also makes provision to pay judgments of the Court of Claims. It is beyond our control to exercise economy in regard to those judgments. They come here from the court as judgments; we have to make appropriations to meet them; and for that item the sum of \$1,121,000 is carried by the bill.

The bill also appropriates several hundred thousand dollars for the payment of audited claims, which are in the nature of

judgments against the Government.

There are also additional appropriations for the Post Office Department. The law which was enacted at the last session in relation to the Post Office Department employees was supposed to carry, and in fact did carry, something over a hundred million dollars. It was assumed that the increased postal charges made by that bill would pay some portion of the increase. The Postmaster General estimated that they would provide probably for 40 or 50 per cent of the increased amount made necessary for the Post Office Department, and that has proved true. On the other hand, however, the Post Office Department is being constantly loaded down with additional duties and responsibilities, especially along the line of what may be called the transportation of freight—that is, parcelpost matter. That has to be provided for, because the country is growing. I know the Senator from Utah does not wish to impede the growth of the country in any way. So there are additional appropriations that are made necessary in all departments of this Government when the country is prosperous, as it has been and as we hope it may continue to be. such conditions appropriations are bound to grow.

On the other hand, I may say to the Senator, large economies and practices tending toward economy have been inithe appropriation bills have shown. For instance, this year the estimates of the Bureau of the Budget have been cut down in various ways and manners in reference to the amounts called for by the departments, and many of the appropriation bills that have been passed have carried appropriations less than the amounts recommended by the Budget. instance, the bill that we passed two days ago is between four and five million dollars less in amount than was called for by the Budget estimates. These matters are too numerous and large perhaps to go any further with at this moment, but there are the claims, for instance, of overassessments, refunds, and so forth, in the Internal Revenue Service. That is very heavy at the present time, because they have a large number of men at work, and they are rapidly undertaking to bring up all of that work, which has been accumulating from 1917, to date. There is about \$150,000,000 in this bill to cover that, and we can not know the amount of those matters beforehand. They can only reach us after the calculations have been made and passed upon.

There is, too, the so-called bonus bill. It was entirely uncertain a year ago how much that would take. I say "entirely uncertain"—it was really uncertain, because a great many of the soldiers would not apply for the bonus; a great many more had already died, and they or their families were to receive the regular insurance; and, of course, others living would only receive the amounts of their time certificates. But nothing could be decided. That has to come in a so-called deficiency bill, although it is in nowise a deficiency in the term as generally applied that gave this bill the name.

Mr. KING. Mr. President, the Senator from Wyoming stated, as I understood his remarks, that these deficiencies, aggregating more than \$413,000,000, are the result of Democratic legislation, or were created when the Democrats were in power. I am not quite sure as to the phraseology the Senator

Mr. WARREN. Mr. President, the Senator would not do me an injustice, I am sure.

Mr. KING. Certainly not.

Mr. WARREN. I said that a great part of them were that, and others, of course, have been incurred since; but very largely these are matters that are the result of the war, and many of them, as I say, as, for instance, these judgments of the

court, date back many years.

Mr. KING. The Senator can not blame the Democratic Party, because it was not in power, nor can he give it praise, if it is a matter of praise, for the bonus bill. That bill was passed under a Republican administration, with the support of both Republicans and Democrats. I was opposed to the bill, however, and voted against it. But, as I understand the Senator, a large amount is carried in this bill to meet the bonus The Senator can not attribute the expenditures of the Veterans' Bureau solely to the Democrats. Both parties have supported measures to provide for ex-service men, and the bill before us, I understand, carries a considerable amount for this bureau. The Senator must remember that the Democratic Party went out of power in 1920; indeed, it lost control of the House and Senate March 4, 1919.

Mr. WARREN. I hope the Senator is not undertaking to say that his party was against supplying the Veterans' Bureau. Surely he claims no credit for that. That is one of the consequences of the war. That is why I named it as one of the consequences of the war, in which we are all interested.

Mr. KING. If the Senator means that some of these appropriations are the outgrowth of the war, undoubtedly that is true. The bonus is the outgrowth of the war, although there can be a war without a bonus. The Veterans' Bureau appropriation contained in this bill is directly the product of the war, and no one objects to reasonable appropriations to pay for disabilities incurred by those who served their country during the Great War. But an examination of the bill, Mr. President, negatives the idea that it is very largely the result of the war or is traceable, directly or indirectly, to the Democratic administration. I find on page 4 a large number of appropriations-for Porto Rico, compensation of additional employees in the District of Columbia, contingent expenses, Architect of the Capitol, Library of Congress, Executive Office, United States Board of Tax Appeals.

Mr. OVERMAN. Mr. President, will the Senator allow me to

interrupt him?

Mr. KING. I yield. Mr. OVERMAN. I notice that the Senator mentioned the matter of contingent expenses. It is getting to be alarming to see the amount of money that is appropriated for contingent expenses of the Senate occasioned by the Senate itself in holding investigations. One investigation here that nobody knows anything about has cost \$150,000. Another one that is going on has cost \$150,000. It is paying men \$1,300 a month, and it is getting to be disgraceful and shameful. This thing ought to be

I hope some Senator will submit an amendment to be added to this bill that will save us considerable expense by reason of requiring that hereafter, when bills or resolutions for investigations pass the Senate, the amount expended shall not exceed the amount appropriated, but any amount required additionally in the form of lawyers' fees or expenses of the in-

vestigation shall be asked for from the Senate.

If this matter could be investigated, as to the amount of money we are spending through these investigating committees, the Senate would be astounded. Think of one committee spending \$150,000, and another spending \$150,000 and paying men \$1,300 a month, others \$10,000 a year, and so on! If the vouchers could be shown here, Senators would be astounded.

I say this in order to warn the Senate about the amount of money that these investigations are costing the Senate. ought to be some rule adopted whereby these matters shall be made public. As they are going on now the Senate does not know anything about them. Recently we appropriated \$30,000 for contingent expenses, later \$50,000, and now we are spending two and three hundred thousand dollars for contingent expenses.

Mr. KING. I do not disagree with the Senator. appropriations of that character ought to be submitted to the Appropriations Committee.

Mr. OVERMAN. They are not submitted to anybody. That is the trouble. The chairman of the committee simply spends

the money as he pleases, just as he would if it were coming out of his own pocket—\$10,000, \$20,000, \$40,000, if he wants to—and the sums are paid by reason of the resolution adopted.

Mr. NEELY. Mr. President, while the Senator from North Carolina is admonishing the Senate to be more economical in the expenditure of money, I implore him to call the attention of the Senate to the fact that we are spending two or three hundred thousand dollars every year in contested-election cases in the Senate.

Mr. KING. Mr. President, I would not take the time of the Senate to refer to these items except for the broad generalization of the Senator from Wyoming, which, I am sure, if read by any person, will convey a wrong impression as the cause of this deficiency appropriation bill. That is the reason why I am taking the time now to call attention to the multitude of items which are not attributable to Democratic

legislation, and which have originated within the last year.
Mr. WARREN. Mr. President, will the Senator yield to

me a moment?

Mr. KING. I yield.

Mr. WARREN. I appreciate the energy which the Senator always exhibits in connection with these bills, and I am going to give him now a list of the minus and plus items, so that from time to time as we go through the bill he may have them before him.

Mr. KING. I thank the Senator for his courtesy. To return, Mr. President—and I should have been through if I had not been interrupted-I find on page 6 a large appropriation for the Board of Tax Appeals, and on the same page an appropriation of \$25,000 for the Bureau of Efficiency. The last general appropriation bill carried a large amount for that organization, sufficient, as it was believed, to meet all legitimate needs. Why there should be a deficiency, I am all legitimate needs. Why there should be a deficiency, I am unable to say. There are too many departments and agencies of the Government creating deficiencies, notwithstanding the law positively forbids it.

On page 9 there is a large appropriation for the military

and naval establishments-\$11,250,000.

The District of Columbia carries a very large list of items, covering 8 or 9 or 10 pages. Doubtless they are necessary. At least, the expenses have been incurred.

Mr. ASHURST. Mr. President, will the able Senator yield?

Mr. KING. I yield. Mr. ASHURST. The Senator from Utah in his able and quite frequent discussions does much more good than harm.

Mr. KING. Let me complete this sentence.

Mr. ASHURST. Certainly.

Mr. KING. I am not now examining the various items of appropriation carried by the bill; whether they are proper or improper I am not now determining. They may be highly necessary and may command the support of all Senators; but my purpose is to show the inconsistent, not to say the unfair, course of the party in power in dealing with appropriations. It has proclaimed loudly throughout the land that it was practicing economy and effecting great reforms in the administration of governmental affairs. They went before the country showing that the appropriations for 1926 were a certain figure, approximating \$4,000,000,000, and stated, "We have reduced the appropriations so much." They knew that there would be They knew that there would be large deficiencies; and my complaint is that they got the applause of the country for limiting expenditures knew or must have known that they would introduce numerous deficiency bills and thus swell the amount far beyond that which they had represented to the country would be the gross e-penditures for the year. That is what I am calling attention to.

Mr. ASHURST. I am not quarreling with the Senator,

Mr. KING. I am not challenging a single item. If the Senator had understood the purpose of my observation, it was a criticism of the policy of the Republican Party in representing t the country that they had reduced expenses, whereas they had increased them. If they had been frank, they would have made a large enough appropriation and then would have said to the people, "The exigencies of the situation call for that." But they go before the people with a declaration that they have reduced the expenditures, and the people have fed upon that during the year, and then they come, before the year expires, and ask for six or seven hundred million dollars more. That is what I am complaining of.

Mr. ASHURST. The Senator will bear with me. He passed over page 8, and I did not have the opportunity to hear what

Mr. KING. I said nothing, except I spoke about the bonus.

Mr. ASHURST. Adverting, then, to page 8, when that appropriation is available it will enable the Director of the Veterans' Bureau to expand the Veterans' Bureau hospitals at various places

for illustration, the situation in Tucson, Take, Ariz.—a climate eligible to promote the cure of tuberculosis of the lungs. We have been for months-many months-attempting to ex pand the United States Veterans' Bureau Hospital No. 51 there. ask the able Senator in charge of the bill if it be his opinion that a portion of the money proposed to be made available under the appropriation carried on page 8 will be used to ex-pand and improve the Veterans' Bureau Hospital No. 51, at Tucson, so that the flimsy, ramshackle, and inflammable buildings there may be supplanted by commodious, fireproof structures? Such is my understanding of that provision, and I request the Senator's opinion.

Mr. WARREN. There is no doubt about the fact that the intention is to put those buildings in order. The Senator knows that we first have to find out about how many men are seeking hospital facilities. There is no doubt about the fact that the man in charge is capable and is earnestly endeavoring to carry forward the work the Senator from Arizona wishes to see done and which we all want to see done.

Mr. ASHURST. Mr. President, I am glad the able Senator from Utah did not direct his remarks against this provision.

Mr. KING. Mr. President, will the Senator permit me to

Mr. ASHURST. I am under obligations to the Senator for

permitting me to interrupt him.

Mr. KING. May I say to the Senator from Arizona that I am not now attacking any item in the bill? I am directing attention to the fact that this administration which professes such great devotion to economy presents a deficiency bill calling for more than \$400,000,000. The people were told by the President and other Republican leaders that the appropriations for the fiscal year were less than four billion dollars, and now we are told we must appropriate nearly half a billion more for this current year. I was not discussing whether the item carried in the bill for the Veterans' Bureau was proper or not. All persons agree that those who suffered disabilities during

their service in the war should be generously treated.

But I want to arrest the attention of Senators and point to the lack of frankness upon the part of the party in power. It has posed and is posing as the genuine friend of retrenchment, reform, and economy. So persistently and subtly has it carried on this propaganda that it has introduced great economies into the administration of the affairs of the Government that many honest and patriotic people have been deceived. Republican officials and the Republican press have for three years devoted much of their energies and efforts to convince the country that executive departments and agencies have become more efficient and that a new era of sound and capable and economical administration of national affairs has dawned upon the world. The fact is that any decline in Government expenditures since the war have been due to the termination of the war. President Wilson in March, 1919, termination of the war. President Wilson in March, 1919, directed the attention of Congress to the fact that war activities were over, that much military machinery must be scrapped, and that a return to peace-time economies and policies must immediately be brought about. The Republicans controlled Congress and refused to heed President Wilson's recommendations. However, the Democrats were able to reduce expenses more than \$4,000,000,000 from the war peak—during 1919–20. It was, of course, inevitable that great reductions in the expenses of the Government should follow the constitution of hostilities. of the Government should follow the cessation of hostilities.

But a calm and dispassionate review of the Budgets of the National Government since 1920 will furnish convincing proof that there has been inexcusable obstinacy upon the part of this administration in reducing expenses and cutting off unnecessary agencies, organizations, and bureaus. And now after seven years have passed since the war ended, we are spending between four and five times as much as was expended by the Government in 1915 or 1916.

I am criticizing the deceptive methods of the party in power. When the appropriation bills were being considered during the spring of 1925 it was stated by the Republicans that the expenses for the fiscal year 1926 would be materially reduced below those of 1925. And when the bills were passed preans of praise went up from misinformed people, and the Republicans affected to believe that a halo of virtue crowned the party in power. Loud panegyrics were heard throughout the land-pronounced by big and little Republican officeholders—to the effect that mighty reforms had been accomplished in the administration of the Government and that the highest standard

administration.

And now, after these misleading statements have lodged in the minds of the people, we are called upon to appropriate over \$400,000,000 to meet deficiencies for the fiscal year 1926, and we learn that one or more additional deficiency bills will be presented calling perhaps for \$200,000,000 additional. that instead of the expenses for the fiscal year just named being between three and four billion dollars the country was told they would be, they will total nearly \$5,000,000,000, and perhaps may exceed that stupendous sum.

As a matter of fact, this administration will spend more in the fiscal year 1926 than was expended in 1925. One is justified in charging that the party in power set out deliberately to mislead the country and to raise a fictitious issue—that of economy. I must confess it has succeeded well in accomplishing its pur-But the facts are that there have been no reductions in expenditures in 1925 or 1926, and from the evidence before us there is every reason to believe that the Republicans intend to materially increase the National Budget for the coming fiscal

President Coolidge recently declared that there would be no further reductions in the annual expenses of the Government. He has recommended the creation of another department which will call for millions of dollars annually. New bureaus and agencies are being created, and I predict that at the end of the next fiscal year there will be an increase in the personnel of the National Government of more than 25,000. This talk of Republican economy is only talk, and idle, but deceptive preaching. It has fooled the people and aided the Republicans in keeping in power. But the people can not be "fooled" all the time. When it is learned that the county is saddled with burden of more than \$4,000,000,000, perhaps \$5,000,000,000, and that more bureaus and executive agencies are being created and thousands of new jobs are being provided for hungry and unfortunate Republicans-and the expenditures of the Government are rapidly advancing—then there will be an awakening. Republican narcotics are still paralyzing the public mind, but they will ultimately be eliminated from the body politic.

Mr. WARREN. Mr. President, will the Senator permit me

Mr. KING. I yield to the Senator.

Mr. WARREN. The inquiry of the Senator from Arizona was very pertinent, and I wish to read the testimony of General Hines before the House committee. As the Senator has said, there are two appropriations-one of \$5,000,000 and one of \$3,000,000—appearing on page 8 for this purpose.
Mr. ASHURST, Yes; so I perceive.
Mr. WARREN. General Hines testified as follows:

The CHAIRMAN. Which ones are you going to start under the

\$5,000,000 you are asking for now?

General HINES. Legion, Tex.; Fort Snelling, Minn.; Portland, Oreg.; and either Boston or Tucson, Ariz. The hospitalization board the other day voted on the hospital at Tucson, which we had put on the deferred list, to transfer it from the deferred list to the preferred list. If that were done, it would probably take the place of the Oteen construction.

Mr. ASHURST. Will the Senator permit me to interrupt him?

Mr. KING. I yield.

Mr. ASHURST. General Hines made every proper effort to expand this Veterans' Bureau hospital at Tucson, Ariz., and he and the Federal Hospitalization Board were wise and courageous enough to put Hospital No. 51 at Tucson on the preferred list and to declare that when moneys were available the expansion could begin.

I am profoundly gratified that the Director of the United States Veterans' Bureau and the committees of Congress have risen to their high duties in this matter, so that those ex-service men who faced the iron storm of war and impaired their health shall know that this Government is trying to assist

them in recovering their health.

If the other items in the bill are as free from attack as is this item regarding the Veterans' Bureau, then I must congratulate the committee upon the entire bill.

Mr. BRATTON. Mr. President-

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. KING. I yield. I hope Senators will pardon me for apparently having the floor so long.

Mr. BRATTON. I quite concur in everything the able Senator from Arizona has said with reference to the climatic conditions of Arizona; but while upon that, may I say that I have had a number of inquiries from New Mexico, and the

of economy ever attained had been reached by the Coolidge | people there seem to express some alarm about the report that is in circulation that the increase in hospital facilities at Tucson carries with it a decrease in the hospital facilities at Fort Bayard, just over the line in New Mexico, which is second to none in climatic conditions, Arizona not excluded. I should like to ask the Senator from Wyoming if that is in contemplation, or if he is in a position to express himself upon it.

Mr. WARREN. It has not come to my notice that anything of that kind is thought of. I will say to the Senator that if I secure any information on the matter during the consideration of the bill I shall be glad to bring it to his attention.

Mr. BRATTON. I thank the Sc ator.

Mr. NEELY. • Mr. President, as the Senator from Utah is a thoroughly informed member of the Committee on Appropriations, I wish to ask him if the result of our having participated in the limitation of armaments conference is reflected in the appropriations for the Department of the Navy for the current year?

Mr. KING. I will yield to the Senator from Wyoming, and

then shall attempt to answer the Senator's question.

Mr. WARREN. Mr. President, if I may have the attention of the Senator from New Mexico; this is what General Hines said in relation to the matter about which he asked me a few moments ago:

The CHAIRMAN. How many patients have you at Tucson?

General HINES. About 300.

The CHAIRMAN. And how many at Prescott? Mr. Moore. Approximately the same number.

The CHAIRMAN. Prescott has a cooler climate, has it not?

General HINES. Yes, sir. There are some men with tuberculosis that could not be hospitalized at Prescott, due to the altitude. We have one of our large institutions in New Mexico, at Fort Bayard, at 6,500 feet. We find that some of the men with tuberculosis who have heart disabilities can not be hospitalized at the high altitudes, and that is one of the reasons that these men go to Tucson.

I understand Fort Bayard to be one of the oldest institutions of the kind that we have.

Mr. BRATTON. That is true.

KING. Mr. President, replying to the Senator from West Virginia, the appropriations carried in the naval appropriation bill passed yesterday for the next fiscal year were more than \$314,000,000. There are several contingent appropriations, which will swell the sum total to more than \$321,-000,000. That exceeds the appropriations for last year and, as recall, the appropriations for the preceding year.

In 1916 the appropriation for the Navy was \$130,000,000 For the preceding year it was less than that. When the United States entered the war in 1917 there was, of course, a great increase in the expenses of our Military Establishments.

After the war was over, and when the obligations incurred in the prosecution of the war were discharged, there should have been a great reduction, far greater than that which occurred.

It was difficult to cease spending, to lop off unnecessary agencies and positions. Many persons were intoxicated with the wine of public service and were unwilling to return to their homes and former avocations. The ship of state had many barnacles attached to it, and they have not yet been entirely scraped off.

Naval expenditures dropped to about \$300,000,000 last year, but are larger for the next fiscal year. The appropriations for the War Department for the present fiscal year are approximately \$300,000,000; what they will be for the next fiscal year, I can not say, but I predict they will not greatly from those of the present year, so that we will be called upon to appropriate at least \$600,000,000 for the next fiscal year for our Military and Naval Establishments-and this in peace times.

The entire appropriations of the Government for 1916 were less than \$1,000,000,000. We will appropriate for the Army and Navy for the next fiscal year a little more than six-tenths of the entire amount appropriated for all the expenses of the Government, including the War and Navy Departments, for

the year 1916.

I submit that this burden is too great. It is due in part to the lack of efficiency and economy in these departments. There is too great an expense in meeting the overhead charges in all departments of the Government. We will appropriate more for the War and Navy Departments for 1927 than was expended by Germany and France in 1913 when they had larger military establishments.

The disarmament conference, which was to greatly reduce our military burdens, and which was to usher in a sort of millennial era, I am afraid has disillusioned many people. It

has not achieved the objects which were sought.

or at least stopped construction of capital ships, it made no provision for submarines, airplanes, airplane carriers, and various other auxiliary craft, including light cruisers. that whereas there has been a decrease in the amount to be expended on capital ships, the way has been opened for an increase in expenditures for other naval craft, particularly submarines, light cruisers, airplanes, and airplane carriers. We need a genuine world-disarmament conference. But I shall not pursue this subject further.

rose for the purpose of combating what I understood to be the position of the Senator from Wyoming, that this bill was largely due to the Democratic Party. I charge that it is the result of the extravagance and lack of economy of the Republican Party, and to the fact that when it was required at the last session of Congress to make appropriations for the present fiscal year it was not frank or honest in dealing with the matter. It failed to appropriate what it intended to spend in order to make the people believe that it was reducing expenses, and expected when the people had been lulled into a somnolent state it intended to then demand three-quarters of a billion more to meet 1926 expenses. The bill before us is a part of this huge sum.

So that our Republican friends have had the credit before the country of having expended nearly a billion dollars less than they actually will have expended, and like any untruth that gets circulation, when the truth comes along it fails to overtake error. Our Republican friends have reaped an enormous harvest and benefit by their failure to be frank and honest in their representations and legislation dealing with Government expenditures.

Mr. President, I intended to call attention to the items of this bill, to demonstrate how much in error the Senator from Wyoming [Mr. Warren] was when he stated in substance that the Democrats were responsible for the huge appropriation carried in this deficiency bill; but I have been so often interrupted, and the hour is so late, I shall not proceed further.

Mr. McKELLAR. Mr. President, I want to say to the Senator from Utah and to the Senate that all of the items in the

deficiency bill, with the exception of certain ones that I shall mention, which are very small, constitute obligations of the Treasury, and of course not only ought to be paid but will have to be paid, so there can not be any question about the great majority of the items contained in this very large bill. The principal exceptions, and they constitute a comparatively small amount of money, are those items which provide for increases in the employees of the Government. All through the bill will be found items increasing the number of employees—for instance, in the Bureau of Efficiency, where a large number are to be found, and in various other places, where a larger amount is appropriated for an increased num-

I mention that subject because it has been published far and wide that under President Coolidge the number of employees has been greatly lessened. That is not correct. We had more employees in the second year of Mr. Coolidge's administration than we had the first year. We had still more the next year. The number has been constantly increasing. I shall later place in the Record as a part of my remarks a statement showing the exact figures and showing that the number of employees in the Government was greater last year than it was the year before.

Mr. WARREN. Mr. President-

Mr. McKELLAR. I yield to the Senator from Wyoming. Mr. WARREN. All I wish to say in that regard is with Mr. WARREN. All I wish to say in that regard is with reference to the allusion the Senator has made to the Efficiency Bureau. We have called upon that bureau for help in various ways during the last year, largely in connection with the attempted reorganizations, which in themselves are all intended to lessen the general expenses, and the bulk of them ultimately will have that effect.

That is one of the things which that particular institution, if I may so term it, or that division, has been interested in accomplishing. But, in another case which is directly in point, the chairman of the Committee on Appropriations of the House, Hon. MARTIN MADDEN, has been keeping very close watch and giving a great deal of attention to the Treasury Department, especially in connection with the public debt, in the incurring of it and also in the extinguishment of it. believed they were spending too much money in the debt section and consequently called upon the Bureau of Efficiency to take up that particular matter. That resulted in cutting down in a great measure the expense and making less appropriations necessary on account of that division. So far as the members of the committee on this side are

concerned, we think it would be a good thing if all of the

While it resulted in reducing the number of capital ships, | \$25,000 were used for that purpose. Of course, it is not all provided for that purpose. One member of that bureau is in the classification service. Three men are on the classification board, and they have a great deal of work to do and have performed a great deal of work. They are receiving only their just dues in my estimation.

Mr. McKELLAR. Mr. President, the question of whether \$25,000 additional given to the Bureau of Efficiency is a matter of no real consequence and I need not discuss it. It is in a sense immaterial in comparison with the enormous amounts of money that are here appropriated. I merely wanted to show that there has been a constant increase in the number of employees of the Government. Wherever there is one discharged there are probably two who are employed, with the result that there were over 15,000, as I remember, more last year than there were the year before. The number is constantly increasing. In the face of this marvelous increase we have statements, given out at the White House, and especially by the Bureau of the Budget, claiming that the Government is lessening the number of employees.

It is not true, it is not a fact, and I do not understand why the press of the country should constantly give to the people statements that the number of employees is being lessened when such is not a fact.

On the 18th of last March in some remarks made by me in the Senate, I showed that every single department of the Government had increased its expenditures last year over the year before with the single exception of the Department of the Interior. Every department had increased its expenditures and had increased them with the direct approval of the President and the Bureau of the Budget. The truth is that the Bureau of the Budget last year, without regard to these deficiencies, which must be added, approved \$161,000,000 more than the Congress appropriated. It then goes out to the people of the country that the Bureau of the Budget and the President are demanding economy everywhere and that the wicked Congress alone is responsible for the tremendous expenditures. Yet these figures show, and they can not be con-troverted, that the President and the Bureau of the Budget last year recommended to the Congress \$161,000,000 more for appropriations than the Congress actually appropriated.

Mr. BORAH. The Congress must have overlooked it.
Mr. McKELLAR. Yes; they may have done that, but nevertheless it was done. It was \$161,000,000 more than the wicked and extravagant Congress actually appropriated, and yet the Congress is held up to public scorn throughout the country as being extravagant, and the President and the Bureau of the Budget are said to be the very champions of economy.

Here is a deficiency appropriation bill calling for \$423,000,-We spent last year \$3,923,000,000 in round numbers, which is more than it was the year before. It was a greater appropriation than for the year previous. We spent substantially \$4,000,000,000, and we are now asked to add to it \$423,000,000 more. That amount was added with the approval of the Bureau of the Budget and the President of the United States. The statement is attached to every recommendation for an appropriation that it is in harmony with the President's program of economy; \$4,000,000,000 in the regular appropriation bills and \$423,000,000 in the pending deficiency appropriation bill for the current year; in all, \$4,423,000 already appropriated, and there will, no doubt, be another deficiency appropriation bill.

Mr. BORAH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Idaho?

Mr. McKELLAR. I yield.

Mr. BORAH. There may be some items in which the executive department can increase expenditures of the Government without the aid of the Congress, but the acts of Congress are the basic proposition upon which the extravagance rests. Mr. McKELLAR. Not all of it. I will show that to the

Senator. The Senator is usually very accurate, and I want to say that I feel sure he is accurate in this matter.

Mr. BORAH. I am accurate enough to know that the President can not get any money out of the Treasury without our authority, and that is precisely what I am talking about. We increase salaries and increase the number of employees, we increase our own salaries, and we are going to increase in a few days the salaries of judges. We are the parties who are in custody of the purse strings, and if we do not make these increases the executive department can not do very much in the way of adding expenses to the taxpayers of the country.

Mr. McKELLAR. That is absolutely true, and the party to

which the Senator belongs is responsible for every appropriation and every law that is passed in this Congress.

Mr. BORAH. Oh, no.

Mr. McKELLAR. These increases can not be made without the approval and direction of the Republican Party.

Mr. BORAH. Any amount of those increases in this Congress never could have been done without the coalition which has taken place every time such increases were to be made.

Mr. McKELLAR. I am not a member of the coalition and therefore I can not speak for them, but I want to say that in the pending bill, on pages 44 and 45, are to be found \$149,-250,000 of items for refund of taxes by the Internal Revenue Bureau. Those tax refunds have grown from \$8,000,000 in 1920 to about \$300,000,000 in 1925, including this item. This is done in secret. Members of the Congress can not ascertain how it is done. The only way in the world we can tell anything about it is to have a special investigating committee go to the bureau and learn some of the facts. Even when that committee went down there only a portion of the facts were secured. What was secured? The startling statement was made on the floor of the Senate the other day by the Senator from Michigan [Mr. Couzens], the chairman of the special investigating committee, that some hundreds of millions of dollars were paid out upon the approval of clerks in the Bureau of Internal Revenue. Such wasteful extravagance can hardly

Mr. BORAH. The Senator said it is done in secret. If we are going to discuss party politics here, will the Senator tell us how that secrecy clause was taken out of the law?

Mr. McKELLAR. I can not tell. I voted for publicity. I voted for publicity when it was first presented. I voted for it the other day. I am strenuously in favor of publicity. I think it is little short of a legislative shame for the Congress to permit such a state of affairs as now exists in the Bureau of Internal Revenue. I think it is a shame that taxpayers should be allowed to obtain refunds in the way they do. I recall one refund in the enormous sum of \$27,000,000. It is a shame that taxpayers can go to the Bureau of Internal Revenue in secret and have some subordinate in the department secretly refund that amount of money to the taxpayer, and the public be ex-cluded. By the way, as I recall, and if I am wrong about it the Senator from Michigan [Mr. Couzens] can correct me, that particular payment was made without the consent of the solicitor of the department, or certainly without his direction.

Mr. BORAH. I quite agree with the Senator as to his views upon publicity in regard to this matter, but we started out a short time ago with the proposition that the Republican Party was responsible for all of this situation.

Mr. McKELLAR. I say that the Republican Party is in charge of the Government. I say that the Republican Party is claiming to be the only champion of economy; that the Republican Party claims that it is running the Government substantially cheaper than it ever has been or could be run by anyone else. I am saying that the Republican Party claims that the Eureau of the Budget is constantly cutting down the expenses of the Government, and I am trying to show to the Senate and to the people of the country that instead of cutting down expenses, we are spending \$424,000,000 more for this year—and here is another deficiency bill yet to come-than we spent during the preceding year, all of it having the stamp of the approval not only of General Lord, the Director of the Budget, but of the President of the United States.

will say further to the Senator that this method of transacting business, of passing general appropriation bills for the current fiscal year carrying \$4,000,000,000, the Republican majority getting the credit for those figures and claiming that they are economical, and then coming in with a deficiency appropriation bill which adds \$424,000,000, is not good business and is not fair to the public. It is sought to make the public believe that the sum total of our expenditures last year, based on the regular annual appropriation bills, was \$4,000,000,000, when, as a matter of fact, we all know that our expenditures were nearer \$4,500,000,000, and probably will be more than \$4,500,000,000 before the fiscal year shall end.

I will digress here long enough to say that Mr. Madden, the chairman of the Appropriations Committee of the House of Representatives, has stated that we have already reached the low-water mark in expenditures, and that hereafter expenditures will be greater than they were last year; that expenditures are constantly increasing; and if provision for all Government expenditures be put in the regular appropriation bills, of course, they are going to increase.

It seems to me that the part of wisdom and of fair dealing with the American public is not to make these claims of economy, but to say just what the figures show; and they show that we are constantly increasing the expenditures of the Government.

Mr. BORAH. Mr. President, I think the chairman of the Committee on Appropriations of the House of Representatives was correct in his statement.

Mr. McKELLAR. I think so, too.

Mr. BORAH. We have likely reached the low-water mark, and we shall likely increase the Budget estimates from year to year. If the country wants to know why the increase is made, the country will find it in the different bills which the Congress of the United States passes.

Mr. McKELLAR. Not necessarily; because, I want to say to the Senator, and it can not be doubted, that last year-the year when we were receiving communications almost, I will say, weekly from the President that a certain appropriation was recommended by him because it met his views of economy-at that very time the Bureau of the Budget, with the approval of the President, had recommended the appropriation of \$161,000,000 more than Congress had actually appropriated. It seems to me that Congress itself is entitled to some praise for economy when it refuses to appropriate by \$161,000,000 as much as the Bureau of the Budget and the President ask that it should appropriate.

Mr. BORAH. Congress might have fallen down in its record in one instance; I do not know about that; but the fact is that, after all, the expenditures are based upon appropriations made by Congress.

Mr. McKELLAR. Of course.

Mr. BORAH. And whatever additional expenses may be in-curred by reason of the action of the Executive are very small. If Senators will analyze the votes on the bills which increase appropriations, they will find it is very difficult to

raise the party question in the Senate of the United States.

Mr. McKELLAR. The Senator from Idaho is right about that to this extent: For instance, there may be innumerable items that a member of the Committee on Appropriations would vote against if a separate vote could be had, but he knows that the affairs of the Government must be administered; that the appropriations must be made; it is absolutely necessary; so when he comes to a final vote he does himself a great injustice unless he votes for the bill as it is finally prepared and written.

Mr. NORRIS. Mr. President-

Mr. McKELLAR. I yield to the Senator from Nebraska.

Mr. NORRIS. I wish to ask the Senator from Tennessee about the practice as to the refunds that take place in secret in the Bureau of Internal Revenue. When the estimate comes to the committee, does it come in a lump sum or is it itemized?

Mr. McKELLAR. It comes in a lump sum.

Mr. NORRIS. Would it be practicable or would it be legal for the committee to require that such estimate which comes asking for appropriations to pay these refunds should be itemized, showing in each case the person who gets the refund and the amount of each one?

Mr. McKELLAR. Would not that be contrary to the holding of the Secretary of the Treasury that such matters are secret? Mr. NORRIS. I do not know. I am not a member of the committee. I am asking the question for information.

Mr. McKELLAR. I think that, inasmuch as the tax returns are secret, the committee would have no right to make such a request, especially since Congress has recently gone on record as upholding secrecy in such matters. I refer the Senator for a moment to the chairman of the committee—and I will yield time enough for the Senator to ask him whether or not a member of the committee would have the right to inquire as to the items of these tremendous expenditures.

Mr. OVERMAN. There is no question of it.
Mr. WARREN. Mr. President, these items proposing to appropriate for refunds have been presented to us to the number of hundreds of thousands. For instance, though there is a request for a large amount of money in the aggregate the average amount of the claims for refunds which are made is only \$600. Should the committee undertake to investigate and pass upon the thousands of such items it would engross pretty much all of our time, especially if we should undertake to ascertain whether or not the claimant should have been allowed the refund.

Mr. McKELLAR. All I can say now is that the other day I read in the Senate a statement to the effect that not exceeding 75 of these claims for refund amounted to over \$100,000,000. Those allowances were made by clerks in the department. investigate a comparatively few claims for refunds which amount to \$100,000,000, it seems to me would be very wise on the part of the committee; and I will say to the Senator that hereafter, when these claims for refund come, if I am permitted by the chairman of the committee, I being a member of the committee, I am going to ask questions in reference to

the validity of these claims for refund, as to some of the more important ones, at any rate. I shall take pleasure in doing it.

and I expect to do it.

Mr. NORRIS. I should think the Senator from Tennessee would have that right; at least, I can hardly comprehend how the committee or the Senate, if they wanted the information, would not have the right to know why it was appropriating money and who was getting it. I agree with the chairman of the committee that there are a number of claims nobody would care much about-the small ones-but there are a number of

Mr. McKELLAR. There was one refund of \$27,000,000 paid to the United States Steel Corporation not long ago, and, as

the Senator knows, \$27,000,000 is a fairly good item.

Mr. OVERMAN. Mr. President, there is no question that the committee can have all the information in preparing appropriation bills that is available.

Mr. McKELLAR. It has not been the custom to inquire into these matters. I wish to say to the Senate that the custom since I have been on the committee has been when items of appropriation are transmitted by the Secretary of the Treasury to accept them just as he proposes them. I will say to the Senator that the amount proposed to be appropriated by the pending bill for this purpose will bring the total to \$550,-000,000 paid out in refunds under and in accordance with communications from the Secretary of the Treasury and \$150,000,000 under judgments of courts. That is about the situa-000,000 under judgments of courts. tion in reference to these refunds.

I want to say to the Senator from Nebraska that he knows my views about this question. I have been in favor of publicity of tax returns all the time. I think it is little short of a crime for clerks in the Internal Revenue Bureau to pay out enormous sums practically without the supervision of anybody, according to the facts which have been adduced, and over the protest of the solicitor, as has been suggested here, at least in

one case and perhaps in a number of others.

Mr. WARREN and Mr. COUZENS addressed the Chair.

Mr. McKELLAR. I yield first to the chairman of the committee, and then I will yield to the Senator from Michigan.

Mr. WARREN. Mr. President, I wish to correct the Senator as to one matter. I do not agree with the figures which my good friend has presented in the manner in which he presents them. In connection with the claims which have been paid the Senator speaks of court judgments. They were a part of the \$554,000,000 up to September and they are a part of the \$560,-000,000 or \$570,000,000 paid up to the present time.

Mr. McKELLAR. I may be mistaken—if I am the Senator

from Michigan can correct me—but my recollection is that of the \$704,000,000 that have been paid out in tax refunds, \$150,000,000 represented judgments. The judgments, of course, should be paid, and paid promptly. The other \$550,000,000 have been paid out upon the ipse dixt of the Secretary of the Treasury. Now I yield to the Senator from Michigan.

Mr. COUZENS. Mr. President, inasmuch as the Senator from Tennessee has said that the Senator from Michigan would

correct him if he was in error-

Mr. McKELLAR. Yes; if I have made an error I would be

delighted to have the Senator correct me.

Mr. COUZENS. I wish to avail myself of the opportunity and say that the Senator is in error with respect to the United States Steel Corporation case.

Mr. McKELLAR. Then I hope the Senator will correct me. Mr. COUZENS. The item of \$27,000,000 was allowed in the engineering division of the Bureau of Internal Revenue. That was for amortization, but the money was never refunded to the Steel Corporation, because the Steel Corporation had not paid their taxes. The claim was allowed by the engineering division of the Bureau of Internal Revenue, but when the investigating committee went through the records and pointed out what they thought were errors, in October, 1925, the solicitor wrote a new opinion which disallowed substantially that claim; so that the Steel Corporation did not finally get the money.

Mr. McKELLAR. I am very happy that the Senator has made that correction because I would not want a mistake to go into the RECORD. Then, as I understand, the fact is that the Steel Corporation made a claim for a depletion which amounted to \$27,000,000; it was allowed by a clerk in a divi-sion of the Bureau of Internal Revenue over the advice or over the ruling of the Solicitor of the Treasury. We all know that the Solicitor of the Treasury, being a lawyer, wants to do the right thing and the fair thing and the just thing, and if it had been right for the Steel Corporation to have received this diminution of its taxes to the extent of \$27,000,000 it would certainly have met his approval. There was no appeal a condition of armed neutrality can from it. It was simply done without the light of publicity hostilities time alone can determine.

upon it. The big transactions, at any rate, ought to be inquired into by some responsible person and we ought to have

publicity in regard to them.

I will say to the Senator from Michigan that I recall some of the larger items. For instance, take two or three of the packing house companies of Chicago. I know nothing about their claims; nobody can tell about their claims, but one would naturally think that a packing house company, with hundreds of employees, with millions of dollars involved, would pay their taxes after being advised by the very best accountants and by their lawyers as to what they should pay. It was last year, I believe, that one packing company got over \$1,000,000 refund in taxes, and another one got over \$1,000,000 refund in taxes. In other words, here are two taxpayers that are said to have made a mistake of over \$1,000,000 in the payment of their taxes, and to have paid more than they should have paid by over \$1,000,000. Is that reasonable? It is unreasonable on its face. So it seems to me that the Senate has made a mistake and the Congress has made a mistake in not permitting publicity, instead of hermetically sealing the Revenue Bureau, as it did a short time ago.

Mr. President, in the face of the figures in this bill raising the total expended for the current year from \$3,936,000,000 to over \$4,400,000,000, all approved by the Budget Bureau and all approved by the President of the United States, how in the name of conscience can it be held that these gentlemen have

instituted any economy or are practicing any economy?

I think it was my distinguished friend over in the House, whom I love very dearly. Mr. Martin Madden, who was congratulating the country last March on the total being just \$3,936,000,000. It was \$123,000,000 more than Mr. Madden estimated at that time, and, as the Senator from Utah said a while ago, it is likely to be \$250,000,000 more before June 30 rolls around. There is no economy in it. The truth is that we are spending more money every day than we have been spending in the past. Instead of being economical, this is the most wasteful and extravagant administration we have ever had, Instead of cutting down the employees of the Government, they are constantly adding to the employees of the Government. Instead of cutting down the expenditures generally, they are adding to the expenditures, and every one of these bills shows it.

That is all I have to say, Mr. President.

# MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7554) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1927, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FRENCH, Mr. HARDY, Mr. TABER, Mr. AYRES, and Mr. OLIVER of Alabama were appointed managers on the part of the House at the conference.

## WEST VIRGINIA COAL SUPPLY

Mr. NEELY. Mr. President, permit me to divert the attention of the Senate for a moment from the melancholy subject of increasing the people's taxes to the very practical matter of obtaining a sufficient supply of satisfactory fuel, in which I believe the entire country is now very much interested. I read an Associated Press dispatch which appeared in the Charleston Gazette on the 16th day of February, and particularly commend it to the favorable consideration of the Senators from Massachusetts, Rhode Island, and New York. The article is as follows:

URGES CONTINUED USE OF SOFT COAL IN MASSACHUSETTS-FUEL ADMIN-ISTRATOR HULTMAN PLEADS WITH HOUSEHOLDERS TO STAND BY "WEST VIRGINIA FRIENDS" AND WIN "SECOND HALF OF WINTER'S ANTHRACITE BATTLE 25

Boston, Mass., February 15 .- A stirring plea that Massachusetts householders use other fuels than anthracite for the remainder of this winter at least and "stick to our West Virginia friends" was made to-day by Eugene C. Hultman, the State emergency fuel administrator and vice chairman of the New England Governors' Fuel Conference, advocated yesterday.

Hultman issued the following appeal:

"Another truce has been patched up in the anthracite industry between the operators and miners. None of the fundamental issues have been settled, nor have the claims of the operators that they must reduce costs of production by reducing wages been granted. Whether condition of armed neutrality can exist for five years without active

weeks after mining is resumed.

"For the first time the consumers by using West Virginia fuels have broken the habit of Pennsylvania interests of settling anthracite disputes on the basis of the consumers' necessities. It now remains to be seen whether the consumer will pay the bills incurred by the anthracite industry by its suspension of production.

"The West Virginia soft-coal operators answered readily when we appealed to them for assistance in dire need. They have been very good to us, have met us half way, and it is urgent that we display our appreciation and protect our future. Let every householder and every consumer remember these facts and let's unite in sticking to our West Virginia friends.

If householders will continue to use this West Virginia product for the remainder of the winter, there will be little or no opportunity for the speculative part of the anthracite industry to reap a harvest and recoup themselves for any losses they may have sustained this winter. If consumers will follow this policy, it will prevent hysterical bidding for anthracite at any price, with the sale of vast quantities of rock and other unburnable material, which has taken place when anthracite began to flow after past disputes in that industry have been terminated. Gumption on the part of the consumer has won the first half of this winter's anthracite battle; a little more gumption will win the whole battle for the consumer.'

NATIONAL SESQUICENTENNIAL EXPOSITION (S. DOC. NO. 66)

The PRESIDING OFFICER (Mr. BINGHAM in the chair) laid before the Senate a communication from the President of the United States transmitting, with an accompanying letter from the Director of the Bureau of the Budget, a supplemental estimate of appropriation for the National Sesquicentennial Exposition to be held at the city of Philadelphia, Pa. (fiscal year 1926, to remain available until June 30, 1927), amounting to \$2,186,500, which was referred to the Committee on Appropriations and ordered to be printed.

### NAVAL APPROPRIATIONS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7554) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1927, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. Hale, Mr. Phipps, Mr. Pepper, Mr. Swanson, and Mr. GLASS conferees on the part of the Senate.

## URGENT DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8722) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other pur-

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 6, after line 22, to insert:

## BUREAU OF EFFICIENCY

For an additional amount required for salaries and expenses of the Bureau of Efficiency, including the same objects specified for this purpose in the act making appropriations for the Executive Office and undry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1926, \$25,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 4, to insert:

## COMMISSION OF FINE ARTS

For additional amount required for the Commission of Fine Arts, including the same objects specified under this head in the act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1926, and for other purposes, \$1,400.

The amendment was agreed to.

The next amendment was, on page 7, after line 15, to insert:

# GENERAL ACCOUNTING OFFICE

The Comptroller General is authorized and directed to credit the accounts of the disbursing officers of the Departments of the Interior and Agriculture with payments heretofore or hereafter made from the appropriations for maintenance of national parks and national for-

"Domestic anthracite will begin to arrive in this State about three | ests, for transportation, subsistence, supplies, and other necessary expenses incurred by the committee of departmental employees and collaborators created upon recommendation of the President's committee on outdoor recreation, to examine and report on proposed changes in the status of lands reserved for national-park or national-forest purposes: Provided. This authorization shall not extend beyond June 30.

The amendment was agreed to.

The next amendment was, under the heading "United States Veterans' Bureau," on page 9, after line 6, to insert:

Military and naval compensation: For an additional amount required for the payment of military and naval compensation accruing during the fiscal year 1926 or in prior fiscal years for death or disability provided by the act approved October 6, 1917, as amended, fiscal year 1926, \$11,250,000: Provided, That the unexpended balance of the appropriation made for "Military and naval compensation, Veterans' Bureau, 1925 and prior years," in the act approved June 7, 1924, shall be available for the fiscal year 1926 and prior years.

The amendment was agreed to.

The next amendment was, on page 9, after line 16, to insert:

Military and naval insurance: For an additional amount required for military and naval insurance, fiscal year 1926, \$27,000,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 8 on page 12, the items for street and road improvement and repair in the District of Columbia.

Mr. KING. Mr. President, I should like to ask the chairman of the committee, or my friend from Colorado [Mr. Phipps], how all of these deficits in the District appropriations are accounted for?

Mr. PHIPPS. Mr. President, I think the Senator has misunderstood the purpose of these appropriations. As a matter of fact, we are anticipating appropriations that otherwise would be made in the regular bill for the fiscal year 1927. With the gasoline fund that will become available, and taking out of the general appropriation \$135,000, the District officers will be enabled to let contracts and begin the street work immediately, instead of waiting until after July 1, when the regular appropriation otherwise would become available.

The amounts appropriated in these items are reimbursable to the extent of about 40 per cent. That is to say, the citizens owning the abutting property on these new streets which are to be paved-and these are the items under considerationwill be called upon to pay 50 per cent of the cost of paving the street in front of their property, but not for any part of the crossings or sidewalks. So that 40 per cent, at least, of these items are reimbursable, and this is anticipating the paving program for the year 1927. The same is true as to the item of \$150,000 for resurfacing and repaving. Part of that repaving also is reimbursable, in that it is assessed against the abutting property.

Mr. KING. The Senator will see, for instance, in the case

of the policemen and firemen's relief fund, \$90,000, that that is for 1926; it is not for 1927.

Mr. PHIPPS. I was not addressing myself to that. We had not come to it. I was speaking of the street items.

Mr. KING. And the items for courts and charities, and all those items following-St. Elizabeths Hospital, National Park Commission, and so forth-those refer to the fiscal year 1926,

Mr. PHIPPS. The policemen and firemen's relief fund, as the Senator is aware, does not eventually come out of the Federal Treasury. It comes out of a special fund like a pen-sion fund to which the employees contribute, and the Govern-

ment contributes only in part.

As to St. Elizabeths Hospital, invariably the House committee-and the Senate follows its lead-keeps down the appropriation for the care of the insane below the estimates submitted by the District Commissioners, and as a rule below the estimate approved by the Budget; and toward the end of the fiscal year, when we can arrive at a fair average of the number of patients to be cared for, it can be more accurately determined what the total expenditure will be, and a supplemental estimate is submitted. In other words, it is an obligation that eventually we will have to care for, but we do not provide in advance the amount necessary, in order to avoid providing an excess amount.

Mr. WARREN. Mr. President, in that connection I want to say to the Senator from Utah that under our regular supply bills the money is not available until the 1st of July, when the summer is half gone. Hence, many items—not only these particular items—but very many, some of them large ones, that come in here, are of that character, so as to be immediately available; and they will not be found to the same | extent and the same amounts in the bills that follow.

Then, there is another thing that has been touched upon Senator from Colorado [Mr. PHIPPS], who so well covered the question asked, like the matter of taking care of prisoners. There are many things as to which we do not know until the end of the year what the expenses will be, so that it is impossible to appropriate for them accurately beforehand. That has occurred in connection with the subject that has been spoken of at some length already this afternoon—these internal-revenue refunds. Formerly we started in appropriating \$10,000,000 to \$12,000,000, but we found that it was impracticable, because it depended upon how many employees were engaged and how much the work was pushed. In fact, that department did not have enough men to do it in the earlier years. They are now working largely on tax years 1917, 1918, and along there. These large amounts that are paid out are amounts with interest that have been running since then. In fact, of the present sum asked for, over \$41,000 is interest under the law

The PRESIDING OFFICER. The Secretary will continue

the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "Department of Agriculture, Weather Bureau," on page 23, after line 6, to insert:

For an additional amount to enable the Weather Bureau to extend its forest-fire weather-warning service, fiscal year 1926, \$2,500.

Mr. KING. Mr. President, we have made very liberal appropriations heretofore for the Department of Agriculture. think that is the most wasteful department in the Government and has the largest personnel in proportion to the work done.

I see that there is an appropriation here of \$16,500 for Washington and \$147,112 outside of the city of Washington, notwithstanding the very liberal appropriations made for the collection of meteorlogical data; then the small amount of \$2,500 just read by the Secretary. It does seem to me that the Gov-ernment has been entirely too liberal with this department, and that this deficit, amounting to more than \$150,000, is entirely improper.

Does the Senator know why this deficit has been created; or has it been created, or is it in anticipation of a deficit?

Mr. WARREN. To which of the amendments does the Senator allude?

I was alluding not only to the amendment found Mr. KING. on page 23 but to the general item of appropriations, which, of course, I can not attack until we have concluded consideration of all the committee amendments. I called attention to the fact that on page 22 and at the top of page 23 there were carappropriations for the Department of Agriculture of \$16,500, to be spent in the city of Washington, and \$147,112, to be spent outside of the city of Washington, incident to collecting and disseminating meteorological and marine infor-The point I made was that we made very liberal mation. appropriations for that department-

Mr. WARREN. That is for the Weather Bureau.

Mr. KING. Now there is a deficit of over \$150,000 and an additional appropriation desired. It does seem to me that with the generous appropriation, the all too generous appropriation, made to the Department of Agriculture, we are not warranted in taking care of more deficits.

Mr. WARREN. I do not find the amount exactly as the Senator states it. There is immediately before us a provision for an additional amount, to enable the Weather Bureau to extend its forest-fire service for the fiscal year 1926, of \$2,500.

Mr. KING. I called attention to the appropriation beginning the bottom of page 22 and extending over on page 23. did state that I could not challenge those appropriations until after we had disposed of the committee amendment; but while I was calling attention to the committee amendment found on lines 7, 8, and 9 I asked informaion regarding the entire appropriation called for by the Agricultural Department. If the Senator does not care to explain, I shall have to move to strike them out.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment found on lines 7, 8, and 9, page 23.

The amendment was agreed to.

The next amendment was, on page 23, after line 9, to insert:

FOREST SERVICE

General expenses: For an additional amount for fighting and preventing forest fires on or threatening the national forests and for the establishment and maintenance of a patrol to prevent trespass and to guard against and check fires on the lands revested in the United States by the act approved June 9, 1916, and the lands known as the Coos Bay Wagon Road lands involved in the case of the Southern Oregon Co. against the United States (No. 2771), in the Circuit Court of Appeals of the Ninth Circuit, fiscal year 1926, \$800,000.

Mr. KING. Mr. President, before adjourning last year we made an appropriation which it was said was an emergency appropriation for fighting forest fires, in addition to a large appropriation carried in the general bill. Is this a

Mr. WARREN. This is a deficit, which will take care of a little interim until the general appropriation may be provided. Of course, no one can tell when a forest fire will occur, and, as this service is intended to protect a lot of very valuable timberland, it is thought wisest to have enough money appropriated so that at the proper time the forests may

be adequately protected.

Mr. JONES of Washington. Mr. President, let me make a suggestion to the Senator from Utah, and I speak from personal knowledge. As the Senator knows, on the Pacific coast we have very fine forests. I am told that the last rain in the western part of my State last year was some time in February, and it had not rained up until I left, about the 25th of October. Up to that time we had had no rain on the west side of the mountains. Usually we have rain in that section up until the last of May or the 1st of June, and then we usually have rains in the fall, some early in September. The lack of rain last year shows the emergent character of the season, and the necessity for appropriations like this.

We were very fortunate in not having any very destructive fires, but there were many fires, and the conditions were such as to make the people fearful almost every day that there would be a tremendous fire. Those conditions had to be met. In some of the States of the Northwest there were very extensive fires before the 30th of June of last year. That is what accounts for this appropriation, very largely. The Senator can see how it is that Congress can not anticipate what the seasons will be.

Mr. KING. That is true; but the Senator knows that we made very large appropriations in the general bill.

Mr. JONES of Washington. Oh, yes.

Mr. KING. And there was an emergency appropriation, and it seemed to me that we have pretty thoroughly covered the matter.

Mr. JONES of Washington. But the conditions are so very unusual as to have made it necessary to use up the ordinary annual appropriations and made this appropriation necessary.

It is a condition which can not be anticipated.

Mr. NORRIS. Mr. President, it seems to me I ought to say just a word or two at this point. I know nothing personally about these particular forests mentioned here, and I am speaking only in a general way, but I believe that if Members of the could listen to the evidence I have listened to they would be very liberal in appropriating to protect our forests. The protection of our forests is one of the greatest cares the officials of our Government can have. It is sometimes impossible to prevent fires, and it is certainly a very unwise thing not to make liberal appropriations to prevent them. because prevention is much better than fighting a fire after it

The Committee on Agriculture and Forestry have listened to testimony asking for authorization for increased appropriations along the Pacific coast, an authorization, it is said by the Budget, contrary to the idea of the President's program. Yet it stands undisputed that in that particular caseonly an illustration-it is not only the forest which is protected but the agricultural lands down in the valley. forests are located on the mountain sides, in some places on very steep mountain sides. There is a very heavy undergrowth, and when it is dry and a fire gets started, it is almost impossible to put it out. It would require an army of men, and when those fires have gotten started the men and the boys from the towns and factories everywhere in the vicinity are out by the thousands, most of them untrained, not knowing much about fighting a fire efficiently.

It is beyond dispute, it is beyond contradiction, that in that case—and, as I said, it is only an illustration; to a greater or lesser degree it is true of all forest-the lowlands, the farming lands down in the valley, which are cleared, are sometimes destroyed because there is no forest on the mountain side. The water has nothing to impede its flow, and it comes down in torrents and washes the soil away, destroys crops and buildings, and does irreparable damage. If this undergrowth in the forests were retained on the mountain sides, the water would percolate down and do some good rather than destroy crops and injure the country below.

That is true with regard to all our forests, and we must awake to the situation that we will have to appropriate increased amounts to protect the forests of this country. Be-

yond the preservation of the forests themselves, valuable as they are, it means the protection of the entire country. It means the protection of the valleys and the agricultural lands; it means, really, the regulation of the rivers all over the country. That is true in the Allegheny Mountains as well as in the Rocky Mountains. When the fire goes over hundreds of thousands of acres of forest land and denudes it of every growing thing there is nothing left to impede the flow of water, and it will take almost half a century before the underbrush to hold back the water can be reproduced.

If we were going into the subject at length, I would be able to show that over in Europe some of the denuded country which is worth nothing now has been rendered worthless because of the neglect of the forests years and years ago. As we advance in civilization fires are more apt to occur, because there are more people traveling through the country, and they are careless. It requires quite an army of trained men in some of these forest reservations to stop people before they go in to see that they do not carry even matches, to see that they have no pipes or cigars, so that smoking will be abso-

lutely prohibited.

We had an illustration given to our committee the other day where a man and his wife and their children went out in an automobile and took their lunch with them. They went away out in the forest and sat down under a tree to eat their lunch. The man lighted a cigarette. He threw the match or the cigarette aside, and before he could stop it the fire sprang He almost lost his life trying to put it out in the very beginning. It got away from him and destroyed hundreds of millions of dollars' worth of property. That is an estimate, it is true. We can hardly estimate it, because it is someit is true. We can hardly estimate it, because it is something that is gone for a century. Thousands and thousands of acres of fine timber were burned and absolutely ruined. The watershed was ruined for 25 or 30 years. One can hardly imagine the damage that comes from the forest fires over the country. It is a national issue. It is no narrow thing. I know that I have been convinced, and in order to protect as much as possible I am going to be just as liberal as I think I possibly can in voting every dollar for the protection of our forests

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the heading "Department of Commerce," on page 25, after line 1, to insert:

## OFFICE OF THE SECRETARY

Damage claims: To pay the claim for damage to or loss of privately owned property adjusted and determined by the Department of Commerce, under the provisions of the act entitled "An act to provide a method for settlement of claims arising against the Government of the United States in sums not exceeding \$1,000 in any one case," approved December 28, 1922, as fully set forth in House Document No. 198, Sixty-ninth Congress, \$68.60.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Lighthouses," on page 25, after line 11, to insert:

Retired pay: For retired pay of officers and employees engaged in the field service or on vessels of the Lighthouse Service, except persons continually employed in district offices and shops, fiscal year 1926,

The amendment was agreed to.

The next amendment was, at the top of page 28, to insert:

## BUREAU OF FISHERIES

Fish hatchery, Nashua, N. H.: For the construction and repair of buildings and ponds, improvement to water supply, and for equipment, fiscal year 1926, and to remain available during the fiscal year 1927,

The amendment was agreed to.

The next amendment was, under the heading "Department of the Interior, Indian Service," on page 28, after line 24, to

Chippewa Indians of Minnesota: For compensating the Chippewa Indians of Minnesota for timber and interest in connection with the settlement for the Minnesota National Forest, \$422,939.01, with interest thereon at the rate of 5 per cent per annum from February 1, 1923, to the date of settlement, said total amount to be deposited to the credit of the general fund of the Chippewa Indians of Minnesota arising under the provisions of section 7 of the act of January 14, 1880, as authorized by the act of February 28, 1925.

The amendment was agreed to.

The next amendment was, on page 30, after line 8, to strike out:

To pay the Omaha Tribe of Indians of Nebraska, in accordance with the act of Congress approved February 9, 1925, estimated for by the Budget Bureau and forwarded to the House of Representatives by the President and printed in House Document No. 617, Sixty-eighth Congress, second session, the sum of \$374,465,02,

Mr. NORRIS. Mr. President, I think the chairman of the committee realizes that that is really a mistake and that the amendment ought to be disagreed to. It complies with the statute. The subcommittee reported it with an amendment, which means the same except in different language. I have no objection if the Senator would rather incorporate the language of the subcommittee instead of this language, but it seems to me it meets the situation if we just disagree to the committee amendment.

Mr. WARREN. I will say to the Senator that the language went in on the floor of the House and was in just that form. The language was such that it would hardly be competent. I was about to ask a disagreement and acceptance of the language suggested by the subcommittee if the Senator wishes it to go to conference. If we agree and strike out, that leaves the amendment to be carried to conference.

Mr. CURTIS. I hope the Senator will consent to the disagreement. It is a just claim and was favorably reported by the subcommittee.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The next amendment of the Committee on Appropriations was, on page 31, line 1, after the numerals "1927," to strike out the comma and "and reimbursable from tribal funds of the Navajo Indians," so as to read:

Bridge near Lee Ferry, Ariz.: To defray one-half the cost of the construction of a bridge and approaches thereto across the Colorado River at a site about six miles below Lee Ferry, Ariz., as authorized by the act of February 26, 1925, \$100,000, to be available until June 30, 1927.

Mr. OVERMAN. Mr. President, I make the point of order against the amendment that it is legislation on an appropriation bill. It has no business here. A point of order was made against it in the House by Mr. MADDEN, and upheld there. make the point of order now.

The PRESIDING OFFICER. To which amendment does the Senator from North Carolina refer?

Mr. OVERMAN. On page 31, where the committee propose to strike out the words "and reimbursable from tribal funds of the Navajo Indians." The law itself requires that the money shall be reimbursable and why the Senate should strike out those words I can not understand. Under the original act it is provided that the money shall be reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians and shall remain a lien upon the funds of such Indians until paid. That is the That is the law enacted by Congress and yet here an effort is made to amend the law, which is legislation upon an appropriation bill and, of course, is out of order under Rule XVI. All amendments in the nature of legislation on an appropriation bill are out of order.

The PRESIDING OFFICER. The Chair rules that the point

of order is well taken.

Mr. LENROOT. I then move to strike out all of lines 21, 22, 23, 24, and 25 on page 30 and line 1 on page 31.

The PRESIDING OFFICER. The amendment will be stated. The CHIEF CLERK. The Senator from Wisconsin moves to strike out lines 21 to 25 on page 30 and line 1 on page 31, as

Bridge near Lee Ferry, Ariz.: To defray one-half the cost of the construction of a bridge and approaches thereto across the Colorado River at a site about 6 miles below Lee Ferry, Ariz., as authorized by the act of February 26, 1925, \$100,000, to be available until June 30,

Mr. ASHURST. Mr. President, as the able Senator from North Carolina [Mr. Overman] said, the law authorizing this appropriation provides in specific terms that the same shall be reimbursable from tribal funds of the Navajo Indians. I ask that a copy of the law authorizing such appropriation be placed in the RECORD at this juncture.

The PRESIDING OFFICER. Without objection, it is so

The law referred to is as follows:

[Public-No. 482-68th Congress] [H. R. 4114]

An act authorizing the construction of a bridge across the Colorado River near Lee Ferry, Ariz.

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of \$100,000, to be expended under the direction of the Secretary of the Interior, for the construction of a bridge and approaches thereto across the Colorado River at a site about 6 miles below Lee Ferry, Ariz., to be available until expended, and to be reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Indians of the Navajo Indian Reservation, to remain a charge and lien upon the funds of such Indians until paid: Provided. That no part of the appropriations herein authorized shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona satisfactory guaranties of the payment by said State of one-half of the cost of said bridge, and that the proper authorities of said State assume full responsibility for and will at all times maintain and repair said bridge and approaches thereto.

Approved, February 26, 1925.

Mr. ASHURST. The able Senator from Wisconsin [Mr. LENROOT] has moved to strike out the entire item; undoubtedly the intention of the Senator is that the same shall be a gratuity from the General Treasury.

Mr. LENROOT. I would have no objection if that had been done, but I am opposed to taking the \$100,000 out of the

Indian fund.

Mr. ASHURST. The Senator's motion, if agreed to, would

have the effect of changing the same to a gratuity.

Mr. LENROOT. Inasmuch as the Chair ruled that the amendment is out of order, my motion would strike the entire provision from the bill.

Mr. ASHURST. I am astounded at my learned friend from

Mr. LENROOT. The Senator is aware of the ruling that has just been made by the Chair, and if there is no other recourse left open-

Mr. ASHURST. The Senator, of course, has a right to make

the motion.

Mr. LENROOT. But there is no other recourse left open if

one wishes to preserve the Indians' fund.

Mr. ASHURST. The Navajo Indian Reservation lies partially within New Mexico, so well represented by her two Senators, but almost wholly within Arizona. The Navajo Indian Reservation contains 14,333,354 acres. It is larger than the combined area of Connecticut, Rhode Island, Massachusetts, and New Hampshire. Within the past 13 years gratuity appropriations have been made from the Federal Treasury aggregating the sum of \$11,054,148 for civilization and support of the Navajo Indians. The able Senator from Wisconsin is at all times properly alert to protect and conserve the property of the Indians. He is probably more alert in protecting the Indians in Arizona than the Indians in his own State. That is human nature. We seek to reform the other man's State is human nature. We seek to reform the other man's State and not our own. We seek always to reform the other fellow, The proper place for a boil, so most men but not ourselves. believe, is on the back of the neck of the other fellow.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. ASHURST. Certainly. Mr. LENROOT. I wish to say to the Senator that I am just as much opposed to the treatment of Indians in my own State in the manner here proposed as I am to such treatment of Indians in the Senator's State.

Mr. ASHURST. The Colorado River enters the State of

Arizona from the State of Utah at a place called The Crossing of the Fathers. It soon enters a deep and famous canyon. It is at times a raging and torrential river. Lee Ferry is about the only point, if not the only point, where a crossing now may

practically be negotiated.

It is proposed that a good road shall be built from Flagstaff to Lee Ferry, 130 miles, then to Fredonia, 70 miles more, a total of 200 miles. Such road will ultimately cost \$1,000,000; it will benefit the Indians, but will not be paid for by the Indians. It must be borne in mind that the State of Arlzona must also contribute the sum of \$100,000 for the building of this bridge and must maintain the same. So this enterprise road and bridge-will cost \$1,200,000; that is to say, \$1,000,000 for the road and \$200,000 for the bridge, of which the Indians pay \$100,000, or one-twelfth.

The people of Arizona are just as anxious and zealous to protect the Indian's rights as are the other States. The Indians have never been exploited in Arizona. If the Senator reads the Big Black Book of Jobs to ascertain who exploited sustaining. They have accumulated only a small amount of the Indians, he will find Arizona innocent. I wish other money in the Treasury of the United States, something like

States could say the same. Arizona has been more liberal, just, and fair toward the Indians than any other State.

Mr. LENROOT. Mr. President, will the Senator from Arizona yield to me now?

Mr. ASHURST. I yield to the Senator. Mr. LENROOT. Mr. President, first of all I wish to say that it is my information that the Indians were never consulted and that the Indians do object. I feel that in a matter of this kind the Indians, who really own the money, should at least have had an opportunity to be heard.

I do not blame the Budget Bureau; I do not blame the Indian Bureau; for, as the Senator from Arizona has stated, we did pass such a law; but the Indians certainly, Mr. President, ought to have some opportunity to be heard in a matter of this kind.

I think the Senator from Arizona entirely misconstrues what I have in mind in reference to this matter. I have not any idea of striking this provision out of the bill; but if the clause can go to conference and the committee of conference, striking out the words making it reimbursable, shall put in words making it a gratuity, I shall have no objection.

Mr. ASHURST. Mr. President, my learned friend the senior Senator from Washington [Mr. Jones] and I recently

visited Lee Ferry, and I now take occasion to compliment him upon the fortitude and the determination he exhibited in going to Lee Ferry at that particular time of the year. The Senator from Washington will remember riding with me at night over

a dangerous dugway to reach Lee Ferry.

It is proposed that this bridge across the Colorado River shall be built some 6 miles below the present ferry. That will eliminate the necessity for negotiating this dugway. When I speak of this dugway I digress to pay tribute to the heroism of the Mormon pioneers who nearly 50 years ago built this dugway over which it is still necessary to travel when going from Utah to Arizona by automobile or by team.

I yield the floor.

Mr. CAMERON. Mr. President, I am going to detain the Senate for only a few minutes. The appropriation of \$100,000 which is contained in this bill is very meritorious, but it is entirely improper that it should be charged to the tribal funds of the Navajo Indians.

I presume I know that section of country as well as almost anyone, having lived in northern Arizona some 43 years. have had occasion to cross the Colorado River in that section hundreds of times. The Navajo Tribe of Indians do not use that section of the country. This proposed bridge is to be that section of the country. This proposed bridge is to be built across the Colorado River, some 6 miles below Lee Ferry. It will be on a north and south highway which has been traversed, to my certain knowledge, for more than 50 There has never been any means of getting across the Colorado River in that section except at or near Lee Ferry and then only by a ferry boat, which was uncertain in operation, being out of commission at times for two or three months. A few years ago the county of Coconino, Ariz., saw fit to put in a ferry at that point and to keep a ferryman

This idea of charging the \$100,000 appropriation for a bridge across the Colorado River to the Navajo Indians is ridiculous. The State of Arizona proposes to pay half the cost of the construction of the bridge, and it is estimated that it will cost \$200,000, or thereabouts. The Government of the United States has seen fit to appropriate money for State highways throughout the West and East, and there is no reason why the Government should not at least pay half of the expense of building this bridge, instead of forcing these backward but honorable Indians to pay half the cost, and especially when they have never consented to do so.

Mr. LENROOT. Mr. President, will the Senator from Arizona yield?

Mr. CAMERON.

Mr. LENROOT. This bridge is primarily for the benefit of

the public and not of the Indians, is it not?

Mr. CAMERON. Absolutely. I said a few moments ago that very few Indians traverse that section of the country over what is known as the Old Mormon Highway into Utah, for the reason that at times there would be no way to cross the river. They went up by San Juan through New Mexico and across the San Juan River, instead of coming out through Lee Ferry. Consequently this bridge would be a connection for a main highway from Mexico, one might say, to Utah, Wyoming, Idaho, and the country to the north.

Further, Mr. President, I have lived for more than 30 years near the reservation of the Navajo Indians; I have run stock with them; I have had them as my neighbors; and I know they have never asked the Government for anything; they are self\$116,000. Therefore, I would feel like it was stealing from an infant if I were to be a party here in the Senate of the United States in this unjust attempt to charge half the cost of construction and maintenance of this bridge across the Colorado River out of the only money those Indians have, which amounts in total to only \$116,000.

I note the paragraph immediately preceding this one, which

Bridge near Bloomfield, N. Mex.: To defray one-half the cost of the construction of a bridge across the San Juan River near Bloomfield, N. Mex., as authorized by the act of January 30, 1925, \$6,620.

It is further provided that the \$6,620 shall be reimbursed from the tribal funds of the Navajo Indians. Taking these two items together, if they shall finally be approved by Congress, there will be taken out of the money in the Treasury of the United States now credited to the Navajo Indians almost \$107,000, so that there will be left in the Treasury to these worthy Navajo Indians only \$9,000. I say that it is preposterous that the Government should undertake to do such a thing.

In my opinion it is about time that western Senators who have lived out on the reservations with the Indians, who have had them for guides and who have remained at their camps, should make every effort possible to protect them. I for one shall go the limit in trying to do that, whether we shall get the hundred thousand dollar appropriation contained in this bill or not. We are entitled to the appropriation and the Government of the United States should provide it. I shall vote for the motion of my friend from Wisconsin [Mr. Lenroot], because I believe that is the only way to keep this provision in the bill and secure the elimination of the objectionable provision. Therefore, I am willing that it should go to conference.

The PRESIDING OFFICER. The Chair understands the Senator from Wisconsin to ask unanimous consent for the consideration of his amendment, which, under the unanimous-consent agreement, would otherwise be out of order.

Mr. LENROOT. Yes; I ask unanimous consent that the amendment may be considered at this time.

The PRESIDING OFFICER. Without objection, the amend-

ment of the Senator from Wisconsin is now before the Senate.

Mr. WARREN. Mr. President, the Chair, of course, ruled correctly that the amendment was subject to the point of order. I understand that the request now is for unanimous consent for the consideration of the amendment of the Senator from Wisconsin striking out the text of the House bill. That amendment, of course, would not be in order under the agreement until we shall have concluded the committee amendments. If the unanimous consent be granted, I understand the motion of the Senator from Wisconsin is to strike out the entire paragraph with the idea perhaps that a portion of it would be reinserted.

The PRESIDING OFFICER. The Chair will state that unanimous consent has been given for the consideration of the amendment of the Senator from Wisconsin.

Mr. BRATTON. Mr. President, during the discussion it has already been stated that the Navajo Indian Reservation lies partly in New Mexico and partly in Arizona. To be sure, I would hesitate long before saying anything adverse to the interests of Arizona; but I think that no one can justify a policy on the part of the Government in reaching into the tribal funds of these Indians and taking out the sum of \$100,000 without their consent and over their protest. I have received from New Mexico, due to the fact that these Indians live partly in that State, many protests against this proposed action. I am informed that the Indians are universally opposed to it; that they have never consented to it; but that against their desire and over their protest it is proposed to take from them \$100,000 and to establish a policy which may lead in the future to taking from the Indians sums vastly greater than the amount involved in this case. So, without detaining the Senate longer I wish to say that I shall vote for the motion made by the Senator from Wisconsin, in order that the matter may go to conference, where, under parliamentary procedure, the paragraph may be reformed, retaining the appropriation but striking out the provision making it reimbursable from tribal funds. I think that will be only fair and just and the doing of ordinary equity as between the Government on the one hand as the guardian and the Indians on the other as the wards. Entertaining that view, I trust the motion made by the Senator from Wisconsin will be adopted, so that the provision may be put in proper form without violating any of the rules of the Senate.

Mr. JONES of Washington. Mr. President, I wish to say just a word with reference to this matter.

I have not the local interest that the Senators from New Mexico may have, and very naturally do have, in the matter.

As the Senator from Arizona said, he and I made a trip out to this point on the Colorado River last fall. I do not agree with him that it is an especially dangerous trip. It was a very pleasant trip to me. I enjoyed it very much.

When this matter came up in the committee, however, and the provision that these Indians should put up half this money was called to my attention, I at once said to myself, "This ought not to be," and I based that on what I saw of the conditions there, and the situation with reference to the Indians. I do not believe that the Indians should pay \$100,000 toward the construction of this bridge. I do not know where it should come from. I have my doubts as to whether the United States should put up this money, but I am certain that the Indians should not do it. I do not think they will use it very much, from the lay of the country and the situation as it appeared to me. As I say, I am not certain as to who should pay it; but I am satisfied that it should not be taken from the Indians.

Mr. OVERMAN. Mr. President, in my country we have bridges like this, built from one State to another, and one State builds one part of them and the other State builds the other

Mr. JONES of Washington. We do the same thing in our part of the country.

Mr. OVERMAN. Why should we not carry out that policy

here?

Mr. JONES of Washington. That is all right.
Mr. CAMERON. Mr. President, I want to say to the Senator from Washington [Mr. Jones] and the Senator from North Carolina [Mr. Overman] that this is not a State bridge. This is a national highway bridge that goes from Mexico to the northern boundary, the Canada line. If you are going to charge the northern boundary, the change literature of the states to held a life and Arizana grow could not it up to two States to build, Utah and Arizona-you could not charge it up to Utah, because one side of the river is not in Utah; it is all in Arizona—and if you are going to compel Arizona to build a bridge that you might say is utilized by all of the States of the United States, I do not believe it is fair.

Mr. OVERMAN. Is Arizona on both sides of the river? Mr. CAMERON. Arizona is on both sides of the river. bridge will be used by your State-in fact, all the South, all the West, all the North, and all the East. It is a national bridge across a river that Arizona thinks she owns part of, but under what has been taking place in the last few years we do not know whether she owns any part of it or not. So I believe it is the honorable and just thing for the Government to bear at least half the cost of this bridge, as it has done in hundreds of other cases under our Federal good roads act, and not in the way attempted, which will wipe out the tribal fund of these worthy Indians, who are already in difficult circumstances and in need of Government aid for better schools, and

Mr. OVERMAN. I suggest that it be taken up in conference. Mr. KING. Mr. President, I do not assent to the view of the Senator from Arizona that it is the duty of the Federal Government to pay half the cost of this bridge because, as he says, it may be used by the inhabitants of a number of States. There is no obligation upon the part of the Government to build it. The only ground that could justify any Federal appropriation for the construction of the bridge would rest upon the proposition that the Indians are the wards of the Government, and that they will be in part, at least, the beneficiaries of the construction of this bridge.

If the Indians need it, if it is necessary for their industrial

development and for that progress which we all so much desire the Indians shall make that the Federal Government shall aid in the construction of the bridge, then there may be very sound reasons why the Federal Government should aid in its construction; but I desire to dissent from the statement that the Federal Government owes any obligation to construct bridge because some people from Arizona or from North Carolina or from Massachusetts may travel over that bridge when it shall be constructed.

Mr. LENROOT. Mr. President, I desire to say just a word. It has been made very plain what the situation is. The junior Senator from Arizona [Mr. CAMERON] states that the entire fund of the Navajo Indians is only \$116,000. amendment as it now stands proposes to take out of that fund \$100,000, or nearly all of the money they have, for the purpose of constructing a bridge in the public interests, and not primarily in the interest of the Navajos.

I want frankly to ask the senior Senator from Arizona [Mr. ASHURST], because he is a just man, whether he is in favor of that proposition.

Mr. ASHURST. Mr. President, the Navajo Indian Reservation contains about 22,400 square miles, or about 14,333,354 acres. It is larger in area than Connecticut, Rhode Island, Massachusetts, and New Hampshire combined. Within the past 13 years the Federal Government, as a gratuity, appropriated \$11,054,148 for the support and civilization of the Navajo Indians. I ask unanimous consent to print in the Record a copy of the letter of the Secretary of the Interior upon this subject.

The PRESIDING OFFICER. Is there objection? The Chair

hears none, and it is so ordered. The matter referred to is as follows:

WASHINGTON, January 15, 1924.

Hon. HOMER P. SNYBER,

Chairman Committee on Indian Affairs,

House of Representatives.

MY DEAR MR. SNYDER: Reference is had to your letter of December 24, transmitting for report, among others, H. R. 4114, authorizing the appropriation of \$100,000 to be expended under the direction of the Secretary of the Interior for the construction of a bridge and approaches thereto across the Colorado River at a site 6 miles below Lee Ferry, Ariz., to be reimbursed from any funds to the credit of the Indians of the Western Navajo Reservation in that State.

The matter of the construction of this bridge has been under consideration for some time, and thorough investigations have been made of all its phases by representatives of the Indian Service and by Col. Herbert Deakyne, Corps of Engineers, United States Army. A copy of Colonel Deakyne's report, which goes into the technical aspects of

the matter in some detail, is inclosed herewith.

The cost of the construction of the proposed bridge has been placed at approximately \$200,000, and the local representative of the Indian Service has recommended that that service bear half of the cost, which would seem to be an equitable division thereof. The proposed bridge will connect the Western Navajo Indian Reservation with the public domain on the west of the Colorado River and will furnish an important and permanent outlet for the Indians of that reservation. facilitating their communication with the whites, and assisting them in their progress toward a more advanced civilization. The benefit which will accrue to the white persons residing in that vicinity and to the general traveling public will be great and will probably be equal to the benefit which will be derived by the Indians. This bridge will make at all times the only possible north and south route between the Salt Lake Railway on the west and the road north from Gallup, N. Mex., on the east. An immense country lies between this railway and the town of Gallup, and the proposed bridge will be an absolute necessity to the proper development of that section.

In view of the fact that the Indians of the Western Navajo Reservation will derive great benefit from the erection of the proposed bridge, estimated to be equal to the benefit which will be derived by the white settlers, it would appear reasonable that the \$100,000 which it is proposed to appropriate from public funds for the payment of half of the cost of construction be made reimbursable to the United States from any funds now or hereafter placed to the credit of such Indians and to remain a charge upon the lands and funds of such Indians

until paid.

It is recommended that H. R. 4114 receive the favorable consideration of your committee and of the Congress.

Very truly yours,

HUBERT WORK, Secretary.

Mr. OVERMAN. Mr. President, I should like to ask the Senator from Arizona a question. I have been told that they have found rich fields of oil on this reservation that will be-Navajo Indians. Is that so or not?

Mr. ASHURST. Mr. President, competent geologists have stated that the region possesses the most promising indications for oil in all the southwest. I confidently expect the Navajos to be the richest Indians in America, and when a large fund is accumulated to their credit in the Treasury they can and

will cheerfully pay for one-half of the cost of this bridge.
Mr. CAMERON. Mr. President, will my colleague yield?
Mr. ASHURST. Certainly; I yield to my colleague.
Mr. CAMERON. Mr. President and Senators, you realize,

you must know, that there are very few Indians, if any, who live within the neighborhood of Lee Ferry, or ever did. There are very few Indians who live on what we call the very extreme western part of the Navajo Indian Reservation. In 1885, 1886, and 1887 there were what we called some outlaw Indians that used to come over into Coconino Basin, in Coconino County. At that time the Indian reservation line was some 30 or 40 miles to the east of the Little Colorado River. On account of some differences between the white stockmen and the Indians it was decided, after a conference with the board of supervisors and the stockmen in and about Coconino Point and Basin, that they would grant the Indians the line as far west as the Little Colorado River. It was afterwards

established by the Indian Bureau of the Government.

Along what is known as No Man's Land, or the Painted Desert, there is very little, if any, forage or feed. Conse-

quently, the Indians could not use the western edge or western strip of the Navajo Indian Reservation for their stock. That is the reason why the Indians have never utilized the western part of the Navajo Reservation. Consequently, a bridge at Lee Ferry would not in any sense of the word be of any particular benefit to them, if any. I doubt, since they have prohibited the Indians from shooting deer and antelope, as was the custom in the early days, whether 10 Indians a year would cross this bridge at Lee Ferry, and I doubt if many Indians have crossed at Lee Ferry, on the ferry, in the last few years. Consequently, I can not see where Indians would benefit by this bridge.

My colleague has said that they have a large reservation. Yes, they have; there are miles and miles and miles of it. If you will traverse it on horseback, as I have done many times, you will find a great portion of it a sand desert. Up in the northeastern part of the reservation in Arizona, up along what we call Ganado, Keems Canyon, and on to the north, there is some timber land and very good grazing land. When you go farther east, over toward the San Juan, you travel 30 or 40 miles across a country where there is nothing on it, not even sagebrush.

While they have a large area of land, they have not any too much land to protect their stock which they now have; and since Kit Carson's time-you will remember when he was sent out to subdue the Navajo Indians-they have never had any protection from the Government. They have been almost selfsustaining, as far as I can find out, and they are to-day.

I think it would be an imposition on humanity for Congress to take out of \$116,000, the little money that is now in the Treasury, half of the cost of this bridge and charge it up to the Indians. I think it would be ridiculous; and I hope the senior Senator from Arizona will acquiesce in the thought of my good friend from Wisconsin [Mr. LENROOT] and vote for his motion, which, in effect, will send the matter to conference.

The PRESIDING OFFICER. The question is on agreeing to

the amendment offered by the Senator from Wisconsin [Mr.

LENROOT .

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 31, after line 16, to insert:

Payment to Stevens and Ferry Countles, Wash.: For payment of certain local taxes to the counties of Stevens and Ferry, in the State of Washington, on allotted Colville Indian lands, as provided by the act of June 7, 1924, \$115,767.67, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. JONES of Washington. I ask unanimous consent to have inserted in the RECORD, in connection with the amendment relating to Stevens County on page 31, the report of the House committee in connection with this matter.

The PRESIDING OFFICER. Is there objection?
There being no objection, the report was ordered to be printed in the RECORD, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1414) to authorize the payment of certain taxes to Stevens and Ferry Counties, in the State of Washington, and for other purposes, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 566, Sixty-eighth Congress, first session, which is appended hereto and made a part of this report.

[House Report No. 566, 68th Cong., 1st sess.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1414) to authorize the payment of certain taxes to Stevens and Ferry Counties, in the State of Washington, and for other purposes, having considered the same, report thereon with a recommenda-

tion that it do pass with the following amendments:

Page 2, line 5, strike out the words "to be immediately available" and the figures "\$115,767.67" and insert "or as much thereof as may

be necessary."

With the above amendments, your committee recommends the passage of this legislation. A subcommittee of your committee has held extensive hearings on this measure, and its report is embodied in this report, and sets forth all the facts regarding the bill.

Report of subcommittee on H. R. 1414

To Hon. Homer P. Snyder, Chairman, and to the Members of the Committee on Indian Affairs:

Your subcommittee, to whom was referred H. R. 1414, held hearings upon said measure and, after having fully considered the same, report the bill favorably with a recommendation that same do pass. proposed legislation is identical with H. R. 5418, Sixty-seventh Congress, first session, upon which a favorable report was made by the department under date of May 16, 1921, and in which reference was | made to a report dated December 6, 1920, which reports more or less fully set forth the facts upon which this proposed legislation is based. The letter of the Secretary of the Interior, of date February 5, 1924, submitting favorable report upon H. R. 1414, is copied below, together with copy of reports referred to in the Secretary's letter, and thereby adopted and made a part of your subcommittee's recommendation that this legislation be enacted into law.

> DEPARTMENT OF THE INTERIOR, Washington, February 5, 1924.

Hon. HOMER P. SNYDER.

Chairman Committee on Indian Affairs,

House of Representatives.

DEAR MR. SNYDER: The receipt is acknowledged of your request, dated January 9, 1924, for report on H. R. 1414, Sixty-eighth Congress, first session, entitled "A bill to authorize the payment of certain taxes to Stevens and Ferry Counties, in the State of Washington, and for other purposes."

The claims of Stevens and Ferry Counties are based upon section 2 of the act of July 1, 1852 (27 Stat. 62), and no objection will be made to the enactment of H. R. 1414 into law.

The provisions of the bill are identical with H. R. 5418, Sixtyseventh Congress, first session, a favorable report upon which was made to your committee on May 16, 1921, in which reference was made to a report dated December 6, 1920, to the President of the Senate, on paragraph 22 of the Indian appropriation act approved February 14, 1920 (41 Stat. 408, 432). These reports contain in full the reasons for favorable action.

Very truly yours,

HUBERT WORK.

DEPARTMENT OF THE INTERIOR, Washington, May 16, 1921.

Hon. HOMER P. SNYDER,

Chairman Committee on Indian Affairs,

House of Representatives.

MY DEAR MR. SNYDER: I have the honor to refer further to your letter of April 27, 1921, inclosing and requesting a report on H. R. 5418, Sixty-seventh Congress, first session, entitled "A bill to authorize the payment of certain taxes to Stevens and Ferry Counties, in the State of Washington, and for other purposes." This bill is identical with S. 1168, introduced on the same date.

The claims of Stevens and Ferry Countles are based on the act of July 1, 1892 (27 Stats. 62), which act provided that the net proceeds arising from the sale of the north half of the Colville Reservation in these counties, containing approximately 1,500,000 acres of land, ceded by the Indians and restored to the public domain, should be-

set apart in the Treasury of the United States for the time being, but subject to such future appropriation for public use as Congress may make, and that until so otherwise appropriated may be subject to expenditure by the Secretary of the Interior from time to time, in such amounts as he shall deem best, in the building of schoolhouses, the maintenance of schools for such Indians, for the payment of such part of the local taxation as may be properly applied to the lands allotted to such Indians, as he shall think fit, so long as such allotted lands shall be held in trust and exempt from taxation, and in such other ways as he may deem proper for the promotion of education, civilization, and self-support among said Indians."

The ceded land was opened to homestead entry on October 10, 1900, by presidential proclamation of April 10, 1900.

The act of 1892 provided that in addition to the fees required by law each homestead settler should pay \$1.50 per acre. This act was amended by the act of February 7, 1903 (32 Stat. 803), which provided that settlers under the homestead laws who resided upon the tracts entered in good faith for the period required by existing law should be entitled to patents without any payment other than the customary fees:

"Provided, That the right to commute any such entry and pay for said lands in the option of any such settler and in the time and at the prices now fixed by existing laws shall remain in full force and effect: Provided, however, That all sums of money so released which if not released would belong to any Indian tribe shall be paid to such Indian tribe by the United States, and that in the event that the proceeds of the annual sales of the public lands shall not be sufficient to meet the payments heretofore provided for agricultural colleges and experimental stations by an act of Congress approved August 30, 1890, for the more complete endowment and support of the colleges for the benefit of agricultural and mechanic arts established under the provisions of an act of Congress approved July 2, 1862, such deficiency shall be paid by the United States: And provided further, That no lands shall be herein included on which the United States Government had made valuable improvements or lands that have been sold at public auction by said Government."

Payment for the lands ceded was made under authority of the act of June 21, 1906 (34 Stat. 377), which provided that-

"there shall be set aside and held in the Treasury of the United States for the use and benefit of said Indians, which shall at all times be subject to the appropriation of Congress and payment to said Indians, in full payment for 1,500,000 acres of land opened to settlement by the act of Congress, 'To provide for the opening of a part of the Colville Reservation, in the State of Washington, and for other purposes, approved July 1, 1892, the sum of \$1,500,000."

Claims by Stevens and Ferry Counties were first filed in 1915, but were disallowed, without a decision on their merits, for the reason that the money had been appropriated and expended on behalf of the Indians

In a report dated January 23, 1920, on S. 617, Sixty-sixth Congress, first session, authorizing and directing the Secretary of the Interior to determine what taxes, if any, were due and making appropriations for payment, this department expressed the belief that he already had authority to make the investigation directed in section 1 of the bill, but had no objection to its enactment.

The Indian appropriation act of February 14, 1920 (Public, 141, 66th Cong., 2d sess.), contained the following paragraph:

"The Secretary of the Interior is authorized and directed to investigate and report to Congress, on or before the first Monday of December, 1920, as to the right of Stevens and Ferry Counties in the State of Washington to the payment of taxes on allotted Indian lands under existing law, and to state the amount, if any, to which each of said counties is entitled."

In accordance with the above provision an Indian Office inspector made a thorough investigation of conditions on the north half of the Colville Reservation, visiting all accessible parts of the same. His report and recital of facts in connection with improvements in roads, bridges, and schools indicated that expenditures were greater than these counties would have made except for the belief that the Secretary of the Interior would recognize their equitable rights to be paid money by the Government in lieu of taxes by individual allottees, and that the provision in the act of 1892 with regard to payment was an inducement to settlement on the lands.

A report was made on December 6, 1920, by the then Secretary of the Interior to both Houses of Congress, and to the chairmen of the Committees on Indian Affairs. With the letter to the chairman of the Senate committee was inclosed the report by the Indian Office inspector, and the same has not yet been returned. The report to Congress required by the above-mentioned paragraph in the Indian appropriation bill of February 14, 1920, contained the following recommendation which has been included in S. 1168 and H. R. 5418:

"In view of the fact that by the terms of the act the Government encouraged settlement upon the ceded lands: that the Indians have shared in the benefits of the improvements made by the white people; that these improvements have also enhanced the value of the Indian holdings; and that the Government must necessarily use the roads and bridges in entering and returning from its own property in these two counties, the department recommends that an appropriation be made of the amounts claimed, and that the same shall be paid to the respective counties subject to any deductions that may be made on account of payments for Indian tuition, and for any amounts where the rate based on the value of Indian allotments may be found to be in excess of the rate on taxable lands."

In addition to the 1,500,000 acres ceded, the counties of Stevens and Ferry contain 1,536,840 acres, a total of 3,035,840 acres. Of these approximately 1,274,390 acres are taxed, and 1,761,450, or more than 58 per cent, are not taxed. These nontaxable lands include Government and State as well as Indian lands. The assessed valuation (50 per cent) in 1919 was \$2,091,478. In both counties the most valuable lands were allotted to Indians.

The two counties are reported to have made 3,016 miles of roads at an expense of \$449,169.83, and many improvements have been made and labor expended by voluntary aid. The Government has expended little in construction of roads in the south half of Ferry County and nothing in the north half. Both counties have assisted the Government in the construction of roads through two forest reserves. cause of the topography of the country, road construction is costly, and the money is reported to have been well spent.

Stevens County has spent \$19,298 in erecting bridges. Ferry County has erected several steel bridges, but the cost has not been reported.

Many of the roads are adjacent to allotments, and the Indians use all roads and bridges, and these improvements increase the value of their holdings.

The schools are open to the Indian children. Tuitlon has been paid in some cases, but under the provisions of this bill the amount paid would be deducted.

The investigation made by the department reveals conditions in Stevens and Ferry Counties different from those surrounding any other Indian reservations or allotments, and it is believed that the facts justify a settlement of the claim.

The department has no objection to the enactment of H. R. 5418. Respectfully,

E. C. FINNEY, Acting Secretary.

The report referred to in the Secretary's letter is as follows:

DEPARTMENT OF THE INTERIOR, Washington, December 6, 1920.

The Speaker of the House of Representatives.

Sin: Paragraph 28 in the Indian appropriation bill approved February 14, 1920 (Public, 141, 66th Cong., 2d sess.), provides that—

"The Secretary of the Interior is authorized and directed to investigate and report to Congress, on or before the first Monday of December, 1920, as to the right of Stevens and Ferry Counties in the State of Washington to the payment of taxes on allotted Indian lands under existing law, and to state the amount, if any, to which each of said counties is entitled."

In pursuance of the foregoing I have the honor to submit the following report:

This report is based on information contained in official records and from data procured by an official inspector assigned to duty for that purpose.

Claims have been presented by Stevens and Ferry Counties, Wash., aggregating \$44,309.67 and \$71,458, respectively. These claims are in lieu of taxes which would have been assessed against the allotments of Colville Indians in these counties from 1901 to 1920, inclusive, and are based on section 3 of the act of Congress of July 1, 1892 (27 Stats. L. 62-63), providing for the opening of a part of the Colville Reservation, which reads as follows:

"That the net proceeds arising from the sale and disposition of the lands to be so opened to entry and settlement shall be set apart in the Treasury of the United States for the time being, but subject to such future appropriation for public use as Congress may make, and that until so otherwise appropriated may be subject to expenditure by the Secretary of the Interior, from time to time, in such amounts as he shall deem best in the building of schoolhouses, the maintenance of schools for such Indians, for the payment of such part of the local taxation as may be properly applied to the lands allotted to such Indians, as he shall think fit, so long as such allotted lands shall be held in trust and exempt from a taxation, and in such other ways as he may deem proper for the promotion of education, civilization, and self-support among said Indians."

This departure from long-established custom, in view of the exemption from taxation of Indian allotments while held in trust by the United States, had the effect of encouraging entries upon the lands then opened to settlement.

The first claim was submitted on October 29, 1915, by the county of Ferry. On November 22, 1915, the board of commissioners of Ferry County was advised that the provisions of the act of July 1, 1892, had been superseded by the act of June 21, 1906 (34 Stats. 325-377), under which appropriations aggregating \$1,500,000 were made by Congress for the said lands ceded to the Government by the Indians of the Colville Reservation; that the question as to what funds arising under the acts mentioged were available for expenditure for the benefit of the Indians had been submitted to the Comptroller of the Treasury, who, in a decision rendered April 27, 1915, held that all moneys arising from the sale of said ceded lands since June 21, 1906, belong to the United States and not to the Indians of the Colville Reservation; that there did not appear to be any balance remaining to the credit of the Indians from sales made prior to June 21, 1906, and that there seemed to be no way under existing law by which the claims submitted could be paid. A similar claim was filed later in the year by Stevens County, Wash., and the same reasons for nonpayment existed.

On February 8, 1918, the following bills were introduced in the Senate: S. 3788, entitled "A bill to pay certain taxes in the county of Stevens, State of Washington," and S. 3789, entitled "A bill to pay certain taxes in the county of Ferry, State of Washington."

In the report on Senate bill 3789, this department referred to and inclosed a copy of a letter of April 1, 1918, making an unfavorable report on Senate amendment to H. R. 8696 (then the pending Indian appropriation bill), the provisions of which amendment were identical with Senate 3789. In a report on the amendment the department stated that while the same should not receive favorable consideration, the claims against the Government might properly be heard and adjudicated by the department, and the draft of a bill was inclosed, which was identical with Senate bill 617, Sixty-sixth Congress, first session, which provided for the payment of \$68,511,38, or so much thereof as might be necessary, in settlement of the claims of both counties. The department stated that it had no objection to the enactment of Senate bill 617. None of the aforementioned bills was enacted, but the provision in paragraph 28 of the Indian appropriation bill approved February 14, 1920, directed an investigation and report to the Congress.

The total area of Stevens County is 1,595,840 acres. Of this area 1,081,890 acres are taxed and 513,950 acres not taxed. The nontaxable land is the Colville National Forest, State land, Indian reservation land, and other Government land. The Indian allotments are in the best section of the county and those of less value and the waste land are open to homesteaders. This makes the cost of building roads and bridges and maintaining the same a great burden upon the taxpayers,

and the benefits of the improvements are shared equally by the Indians. In that part where the Indians are located there are 145½ miles of road built wholly by the county at an initial expense of \$14,835.

The entire area of Ferry County is 1,440,000 acres. The total area assessed and taxed is 192,500 acres. The area included in Indian allotments, United States forest reserves, and State lands is 1,247,500 acres. The allotments in the ceded portion are the best lands in the county, 75 per cent of the allotments being agricultural and 25 per cent grazing or timber land. Ferry County expended from March, 1899, to January, 1920, the sum of \$352,412.73 for roads. A very small amount has been paid to the Indians for rights of way. Ferry County has built eight permanent steel bridges, four of which were in conjunction with Stevens County, across Kettle River.

Indian children are allowed to attend the public schools in both counties, although tuition has been paid by the Government for some, but if these two claims are allowed the amounts paid as tuition should be deducted.

In view of the fact that by the terms of the act the Government encouraged settlement upon the ceded lands, that the Indians have shared in the benefits of the improvements made by the white people, that these improvements have also enhanced the value of the Indian holdings, and that the Government must necessarily use the roads and bridges in entering and returning from its own property in these two counties, the department recommends that an appropriation be made of the amounts claimed, and that the same shall be paid to the respective counties subject to any deductions that may be made on account of payments for Indian tuition, and for any amounts where the rate based on the value of Indian allotments may be found to be in excess of the rate on taxable lands.

A copy of schedules of claims by the counties of Ferry and Stevens, the reports of the auditors of these counties for the year 1919, and the report of the inspector are inclosed with the report to the Senate Committee on Indian Affairs for the convenience of the committee, and their return to this department is requested.

Cordially yours,

JOHN BARTON PAYNE, Secretary.

Respectfully submitted.

SID C. ROACH,
W. W. HASTINGS,
W. H. SPROUL,
Subcommittee.

Mr. OVERMAN. I also ask to have the law on the subject printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The PRESIDING OFFICER. Is there objection?
There being no objection, the matter was ordered to be printed in the Record, as follows:

[Public-No. 482-68th Congress]

An act authorizing the construction of a bridge across the Colorado River near Lee Ferry, Ariz.

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of \$100,000, to be expended under the direction of the Secretary of the Interior, for the construction of a bridge and approaches thereto across the Colorado River at a site about 6 miles below Lee Ferry, Ariz., to be available until expended, and to be reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Indians of the Navajo Indian Reservation, to remain a charge and lien upon the funds of such Indians until paid: Provided, That no part of the appropriations herein authorized shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona satisfactory guaranties of the payment by said State of one-half of the cost of said bridge, and that the proper authorities of said State assume full responsibility for and will at all times maintain and repair said bridge and approaches thereto.

Approved, February 26, 1925.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Bureau of Reclamation," on page 32, after line 12, to insert:

North Platte project, Nebraska-Wyoming: For continuation of construction and incidental operations, including the general objects of expenditure enumerated in the second paragraph under the caption "Bureau of Reclamation," contained in the Interior Department appropriation act for the fiscal year 1926, \$300,000, to remain available until June 30, 1927, and to be paid out of the "reclamation fund."

Mr. WARREN. Mr. President, I wish to say that that is merely borrowing from the regular appropriation this much of it, so that they may at once proceed with the continuation of the work, rather than waiting until the 1st of July.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 33, after line 15, to insert:

NATIONAL PARK SERVICE

For emergency reconstruction and fighting forest fires in national parks, fiscal year 1926, \$40,000.

The amendment was agreed to.

The next amendment was, under the heading "Department of Justice, contingent expenses," on page 33, after line 23, to insert:

For contingent expenses, including the same objects specified under this head in the act making appropriations for the Departments of State, Justice, etc., for the fiscal year 1926; including also the purchase of an automobile for the official use of the Pueblo Lands Board at a cost not to exceed \$800, and for the maintenance and upkeep of said automobile; also for the purchase of a photostat machine complete, for the official use of the Pueblo Lands Board, at a cost not to exceed \$1,600, and for the expense of repairs and supplies for said machine, \$7,000.

The amendment was agreed to.

Mr. KING. Mr. President, my understanding is that the duties involving upon this Pueblo board, to which reference is made on pages 33 and 34, are very simple, inexpensive, and ought quickly to be concluded. But, like any board created by the Government, they find one pretext or another to perpetu-

ate their existence. They are immortal.

Mr. LENROOT. Mr. President, I assure the Senator that the work is neither simple nor inexpensive. I do not happen to know of any matter concerning public lands that has come to my attention for many years that is more intricate and involved than the settlement of the title to these Pueblo lands. I happened to be upon the subcommittee which originally investigated the question.

Mr. KING. My information is that the work ought to be

disposed of very quickly.

Mr. LENROOT. As rapidly as possible. There is no doubt

Mr. KING. The number of acres is small. Their work is to determine certain valuations and to make certain allocations. Mr. LENROOT. And also to settle titles.

Yes.

Mr. LENROOT. And Spanish grants come into consideration, which are very, very intricate, I assure the Senator.

Mr. KING. This board, like many other boards, is anxious

to extend its authority, and we have to take care of them. They must have an automobile, and all the paraphernalia that attends a great organization that is to be continued indefinitely.

Mr. McKELLAR. Mr. President, will the Senator yield?

I yield. Mr. KING.

Mr. McKELLAR. The Senator does not think there is any executive officer of the Government who should not be furnished with an automobile and chauffeur, does he?

We are getting now so that we must have automobiles and chauffeurs for every employee and official of the

Government, except Senators.

Mr. McKELLAR. Not only officers, but clerks, I understand. I should like to ask the Senator in charge of the bill whether any testimony before the committee showed the propriety of this appropriation. I call attention to it because complaint has been made to me by persons interested in the matter, who have gone over the lands and who are cognizant of the activities of the board. They protest against the slowness with which the work is being performed and against the large expenses, measured by the work required, which are being charged against the Government.

Mr. WARREN. Mr. President, the question, as the Senator puts it, is a rather large one, as to whether the board is working fast enough. I have heard no complaint against its work. On the other hand, the work is very important, because it applies to titles, some of which are very ancient, to lands that came as a result of treaties and by gift from time to time, and individuals splitting up great tracts into private holdings. board is proceeding to settle those matters while some of the men interested are still alive. I think it is highly important that we should continue the existence of this board.

Mr. KING. The Senator thinks they should have an automobile?

Mr. WARREN. It provides for only \$800 for one automobile.
Mr. KING. If the Senator has gone into it and thinks it is necessary, I shall not move to disagree, although the information I have, from persons who have been on the ground and who are interested in the welfare of the Indians, indicates that this appropriation is not needed.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 34, after line 16, to insert:

UNITED STATES SUPREME COURT

Not exceeding \$500 of the unexpended balance of the appropriation to enable the Joint Committee on the Library to procure for the court room of the Supreme Court of the United States a marble bust, with a pedestal, and for the robing room an oil portrait, of the late Chief Justice Edward Douglass White, made in the third deficiency act for the fiscal year 1923, approved March 4, 1923, is hereby reappropriated and made available for procuring a marble bracket or pedestal for said

The amendment was agreed to.

The next amendment was, under the subhead "United States courts," on page 35, after line 15, to insert:

For assistants to the Attorney General and to the United States district attorneys employed by the Attorney General to aid in special cases, fiscal year 1926, \$46,000: Provided, That not to exceed \$100,000 of the appropriation "Pay of special assistant attorneys, United States courts" may be transferred to the appropriation "Salaries, Department

Mr. KING. I move to strike out lines 19, 20, 21, and 22, on page 35, being a part of the amendment reported by the committee.

I want to call the attention of the chairman of the committee, and the attention of the Senate, to the fact that in the appropriation bill for the present fiscal year, at the request of the Attorney General, and over the protest of many Senators, we appropriated a million dollars for the prosecution of war frauds. The information which was furnished at the time did not justify the appropriation. A large number of employees had been at work for a number of years in prosecuting so-called war claims. They did not succeed. Ex-Senator Thomas, one of the ablest men in the Senate, had been selected by Mr. Daugherty to lead in this work, and I think I am betraying no secret when I say that upon investigation he found that the methods adopted, or at least the course outlined, was not going to achieve any results, and he promptly resigned. But there were a large number of attorneys, at great expense, employed for years, without results.

Mr. McKELLAR. O Mr. President, the Senator will recall, if he will permit an interruption, that all of those attorneys together secured three judgments. One was for \$14,000, another for \$115, and a third for \$85, making, in all, a little more than \$14,000 that was recovered by this army of attorneys. The Senator is mistaken in stating that they got no results. It may have cost something like \$1,000,000 to get them, but we got those judgments, amounting to fourteen thousand and some odd dollars.

Mr. KING. I was going to state, because I had those judgments in mind, that the War Department had made very careful investigations of all these cases, and they had secured the return of a large amount of money from time to time. They had these small cases prepared, and, as I recall, had instituted suits, so that there was little, if anything, for this organization to do.

I noticed the other day that a dismissal had taken place in respect to all actions that had been instituted, and that all cases had been abandoned. That is not particularly relevant to what I was about to observe, but it is apparent that the \$1,000,000, which we appropriated, has not been expended.

The purpose of this amendment is to transfer what is left to some other fund, and to permit it to be used by the Attorney General. At the same time we appropriated a very large sum, all that the Department of Justice asked, for its activities for the coming year. There was a large appropriation for the Assistant Attorneys General, a large number of them; then \$2,294,500 for the detection and prosecution of crimes; \$228,000 for the enforcement of the antitrust laws; \$10,000 for the regulation of commerce, for the salary of an assistant solicitor; then the \$1,000,000 to which I have referred, and a great number of millions of dollars for the various attorneys, district attorneys, and their assistants. So that the aggregate amount to the Department of Justice-although I have not the exact figures accurately in my mind-was somewhere between four and five million dollars. It is not wise, in my opinion, when money is appropriated for a specific purpose, and is not used, to transfer it to some other fund, particularly where adequate appropriations have been made for the other purposes.

It does seem to me that it is highly improper to transfer this to the Department of Justice, because we gave the Attorney General, as I have indicated, very large sums, all that was

necessary for the work which devolved upon him.

If the Attorney General needs additional funds, let us appropriate directly to the Department of Justice; but when we appropriate for a specific purpose, I submit that it is unwise and it is a bad practice to permit the department to slip it over into some other fund and use it for some other purpose. result of it is that they will not scrutinize with the care which they should use their demand for special funds, if they know that if they do not use these funds they will go into a grab net, and can be used for other purposes. It is a very bad and a very pernicious practice.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah to the com-

mittee amendment.

Mr. FESS. Mr. President, I will not at this time go into the figures included in the statement of the Senator from Tennessee, but I think his figures are considerably misleading, and by to-morrow I will have the figures showing the millions of dollars that have been returned to the Federal Treasury through the prosecution of the war frauds. I have the figures, but not

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. FESS. I yield.

Mr. LENROOT. I can give the Senator the figures up to

I would be glad to have them.

Mr. LENROOT. The Attorney General says that in summarizing the work of the war-transactions section, \$3,232,312.93 has actually been collected and paid into the United States Treasury, and judgments for \$1,225,919.37 have been secured.

Mr. FESS. That is up to 1923? Mr. LENROOT. Yes.

Mr. FESS. I thank the Senator from Wisconsin.

Mr. WARREN. Mr. President, I send to the desk a letter from the Attorney General of the United States and ask that the parts of it I have marked may be read.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk read as follows:

OFFICE OF THE ATTORNEY GENERAL, Washington, D. C., February 9, 1926.

Hon. F. E. WARREN,

Chairman Committee on Appropriations,

United States Senate.

MY DEAR SENATOR:

The necessity for the supplemental appropriation of \$46,000 for "Pay of special assistant attorneys, United States courts," and the transfer of \$100,000 from this appropriation to the credit of the appropriation, "Salaries, Department of Justice," arises from the fact that the Director of the Bureau of the Budget suggested the desirability of transferring to the roll under the last-named appropriation all special assistant attorneys who render services at the seat of government. In order to cover this transfer, approximately \$100,000 additional is needed for the remainder of the current year. The additional \$46,000 desired is necessary because of the urgent demands for special legal help incident to the enormous expansion of Federal judicial business.

The item for the Industrial Reformatory at Chillicothe, Ohio, is submitted to enable the department to utilize at once the site, with its accompanying supplies and equipment, formerly part of Camp Sherman, which has been procured without cost, for the purpose of establishing the United States Industrial Reformatory, already authorized under the provisions of the act of January 7, 1925 (43 Stat. L. 724). The necessity for the immediate development of this project is extremely urgent, mainly by reason of the radical increase in the number of Federal prisoners and the impossibility of properly providing for their maintenance under existing conditions.

I earnestly hope that the committee will find it practicable to give these items favorable consideration and include them in the pending

Cordially yours,

JNO. G. SARGENT, Attorney General.

Mr. WARREN. The amendment, instead of \$100,000, is really \$46,000 more than is shown in the appropriation. transfer of \$100,000 causes the break and requires the \$46,000 to be cared for elsewhere. I have a statement of the Budget officer which I ask may be read. There is a mix up in the money to support what has been instituted near Chillicothe, where there was an Army post, now called a training school or a Department of Justice home for young men or old boys, to keep them out of the general penitentiary, such as we have at Leavenworth and Atlanta. That has required some money and will require some more. The allusion in the two documents is to those institutions.

Mr. KING. That is not involved in my motion at all. I am not calling attention to the Chillicothe matter.

The PRESIDING OFFICER. The clerk will read as requested by the Senator from Wyoming.

The Chief Clerk read as follows:

BUREAU OF THE BUDGET, Washington, February 8, 1926.

Sir: I have the honor to submit herewith for your consideration and upon your approval for transmission to Congress a supplemental estimate of appropriation for the Department of Justice for the fiscal year ending June 30, 1926, in the amount of \$46,000, as follows:

Pay of special assistant attorneys, United States courts: For assistants to the Attorney General and to the United States district attorneys employed by the Attorney General to aid in special cases, \$46,000: Provided, That not to exceed \$100,000 of the appropriation "Pay of special assistant attorneys, United States courts," may be transferred to the appropriation "Salaries, Department of Justice"\_\_\_\_\_\_ \$46,000

All attorneys paid from this appropriation are appointed under the provisions of sections 363, 365, and 366 of the Revised Statutes. It is found attorneys whose aggregate salary for the period February 1 to June 30, 1926, amounts to \$100,000 are engaged in the performance of regular departmental duties. It would seem, therefore, that their salaries should be paid from the appropriation "Salaries, Department of Justice," and authority is requested to transfer the amount in question to the latter appropriation.

The above estimate of appropriation is required to meet unavoidable contingencies which have occurred since the transmission of the Budget for the fiscal year 1926, and its approval is recommended.

Very respectfully,

H. M. LORD. Director of the Bureau of the Budget.

The PRESIDENT.

Mr. McKELLAR. Mr. President, in answer to the statement made by the Senator from Ohio, I am glad that he is going to furnish the figures. He will find when he looks into it that \$500,000 was appropriated to the War Department to investigate war costs and \$500,000 to the Department of Justice year before last. Last year, or during the present fiscal year, \$500,000 was appropriated for the War Department and \$1,000,000 for the Department of Justice. The Department of Justice asked for \$1.725,000 to conduct the prosecutions. It developed upon investigation that they had, my recollection is, some 90 atterneys employed or possibly 146. It was a very some 90 attorneys employed, or possibly 146. It was a very large number of attorneys anyway. It was proposed to employ more attorneys and have a greater organization to prosecute the war-fraud cases.

Upon investigation it was found that this great body of lawyers had actually tried three cases, one what is commonly called a magistrate case in which there was a judgment for \$115 obtained, and another one of \$85, and a third judgment for \$14,000. They had compromised cases and secured \$150,000.

The whole amount of compromises and judgments obtained by this army of attorneys employed under that appropriation was about \$171,000. I am talking about that particular year. I am not talking about what has been done since. I am talking about that year.

Mr. LENROOT. What year?

Mr. McKELLAR, 'The fiscal year before the present one. There had been an appropriation of \$1,000,000 and as a return we had in judgments a little over \$14,000 and in compromises \$150,000, as I recall. If the figures are not correct, I very sincerely hope that the Senator will get the figures and put them in the RECORD.

Mr. LENROOT. I have them now. I hold in my hand the last report of the Attorney General for the fiscal year ending June 30, 1925. On page 96 of that report are shown the amounts received and collected by war prosecutions as follows: For the fiscal year 1922-23, \$3,044,835; for the fiscal year 1923-24, \$2,412,845; and now comes the year to which the Senator has referred, the fiscal year 1924-25, \$3,217,731, making a total of over \$8,675,000.

Mr. McKELLAR. That was the previous year. What was it for the fiscal year 1924-25?

Mr. LENROOT. Three million two hundred and twenty-five

thousand dollars.

Mr. McKELLAR. What was it for 1925-26?
Mr. LENROOT. We have not yet obtained those figures because the fiscal year is not concluded.

Mr. McKELLAR. I will get the hearings and put the figures in the Record again. Those gentlemen who have charge in the department testified that they had collected \$154,000, as I recol-

lect the amount, or, in all, about \$171,000.

Mr. LENROOT. During what period?

Mr. McKELLAR. My recollection is about nine months of

Mr. LENROOT. Of what year?

Mr. McKELLAR. Of the past year.

Mr. LENROOT. The figures I have given bring it up to July 1

Mr. McKELLAR. There is a mistake about it, because we have the sworn testimony of those gentlemen.

Mr. LENROOT. The Senator is clearly mistaken.

Mr. McKELLAR. I will put it in the Record again, so there will be no doubt in the world about it.

Mr. LENROOT. I wish the Senator would do so.

Mr. McKELLAR. It was about \$171,000.

Mr. KING. I attempted to understand the letter which was submitted by the Attorney General and the statement made by the Director of the Budget, but I confess they leave me somewhat mystified as to the purpose unless it is this: We made an appropriation last year of \$919,000 for regular assistants to the United States district attorneys, who were appointed by the Attorney General at a fixed annual compensation. As I understand, it is his desire to have \$100,000 of that appropriation transferred from "Pay of special district attorneys, United States Court," to the appropriation "Salaries, Department of Justice." I do not comprehend the purpose of it unless it is to give certain assistants a fixed status in the department and to make them permanent employees or to create permanent posi-tions in the Department of Justice in contradistinction to temporary ones. There can be no question that the assistants are still there. They are drawing their salaries. The appropriation has all been exhausted apparently except \$100,000.

Mr. WARREN. I think the Senator should not ask a dis-

agreement, but should let the matter go to conference. If there is anything that is wrong about it in the minds of the Members of the House, it will be developed in conference.

Mr. KING. I have not attacked the \$46,000 additional asked for by the Attorney General, which I think is wholly unnecessary in view of the very liberal appropriations made to the Department of Justice for the current fiscal year. I have been one of the Senators who have urged adequate appropriations for the Department of Justice for the purpose of enforcing the antitrust laws and other penal statutes of the Government. I am sorry to say that the antitrust laws have not been enforced and that the growth of trusts and monopolies during the past four years has been unprecedented. The department has been asleep. It seems to be awakening a little now under the prodding of the press, if not of the Senate.

For the moment I am not objecting to the \$46,000 addi-

tional, though the Department of Justice was most generously provided for in the last appropriation bill. Many millions of dollars were appropriated to aid in law enforcement and to pay the salaries of a cloud of assistants and special assistants and district attorneys and assistant district attorneys. For special assistants nearly \$1,000,000 were appropriated; and yet we are now asked for a further sum. But returning to the \$100,000 item, it seems that these special assistants may be made permanent, or have the positions held by them riveted into the law as permanent legislation. I see no advantage in it. They can serve the Attorney General, performing the same duties as they now perform, and can consume the appropriation without this change.

If permanent officials are needed in the department let that be done by legislation, not on an appropriation bill, but by proper legislation at the appropriate time. I hope the Senate will disagree to that part of the amendment.

Mr. WARREN. I will ask that the amendment of the

Senator from Utah be not agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Utah to strike out the committee amendment on page 35, lines 19 to 22.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on the adop-

tion of the committee amendment.

Mr. KING. I want to offer an amendment to the amendment so as perhaps to clarify the language a little. It is not clear just what it does mean. Will the Senator consent to this amendment just to clarify the meaning of the proviso? Strike out all of lines 19, 20, 21, and 22 and then add the following:

That \$100,000 of the \$519,000 carried in the appropriation act approved-

I do not know the exact date when it was approvedunder the head of "for assistants for the United States district attorneys who are appointed by the Attorney General at a fixed annual compensation," may be transferred to the appropriation "salaries, Department of Justice."

Mr. WARREN. I have not had the time to look that up. Mr. KING. If the Senator is sure that it comes out of the \$919,000 appropriationMr. WARREN. I have not any doubt of it myself.

Mr. KING. It is very uncertain.
Mr. WARREN. If it goes to conference, we will have time to look it up.

If the Senator will give the matter attention in conference, I shall not press the amendment just offered to the amendment of the committee. I withdraw it.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, under the subhead "Penal Institutions," on page 36, after line 15, to insert:

United States Industrial Reformatory, Chillicothe, Ohio: For the United States Industrial Reformatory, Chillicothe, Ohio, including not to exceed \$18,200 for salaries and wages of all officers and employees, for the fiscal year 1926, to be available in so far as may be necessary for any and all objects specified in the act making appropriations for the Departments of State and Justice and for the judiciary, etc., approved February 27, 1925, for the United States Penitentiary at Leavenworth, Kans., \$37,500.

The amendment was agreed to.

The next amendment was, at the top of page 37, to insert:

National Training School for Boys: For support of inmates, including the same objects specified under this head in the act making appropriations for the Departments of State and Justice and for the judiclary, etc., for the fiscal year 1926, \$12,000.

The amendment was agreed to.

The next amendment was, under the heading "Department of Labor, Bureau of Immigration," on page 37, line 16, after the name "District of Columbia," to strike out "and motor vehicles," and in line 18, after the word "patrol," of which not to exceed \$50,000 shall be available for the purchase and maintenance of motor vehicles," so as to make the paragraph read:

Regulating immigration: For expenses of regulating immigration. including the same objects specified under this head in the act making appropriations for the Department of Labor for the fiscal year 1926, except personal services in the District of Columbia, \$600,000; Promided. That \$150,000 of this amount shall be available only for coast and land border patrol, of which not to exceed \$50,000 shall be available for the purchase and maintenance of motor vehicles.

Mr. KING. I should like some information from the Senator from Wyoming in regard to the appropriation contained in the paragraph beginning in line 12 on page 37, which reads:

Regulating immigration: For expenses of regulating immigration, including the same objects specified under this head in the act making appropriations for the Department of Labor for the fiscal year 1926, except personal services in the District of Columbia, \$600,000: Provided. That \$150,000 of this amount shall be available only for coast and land border patrol, of which not to exceed \$50,000 shall be available for the purchase and maintenance of motor vehicles.

Mr. WARREN. It all runs back to the appropriation of \$600,000 at the end of the first clause, and is only designed to provide whatever may be necessary for motor vehicles properly to conduct the business of the service.

Mr. KING. Mr. President, we appropriated for the current fiscal year a very large amount for the Immigration Service, namely, \$5,084,865; also an additional sum of \$75,000, \$100,000, and \$680,000. Those amounts were deemed adequate, and by some of us more than adequate, for the needs of the Bureau of Immigration. Now we are asked for \$600,000 additional. I inquire as to the necessity of this appropriation.

Mr. PHIPPS. Mr. President, the status of the appropria-tion as disclosed in the hearings was that the expenditure for immigration work totaled \$2,116,450, for border patrol \$503,000, in round figures; and that the annual salary obligations for border patrol and the immigration forces is \$4,100,000.

Mr. KING. If that should be materially reduced, the public would be well served.

Mr. PHIPPS. There are 1,869 employees on the immigration roll and 497 on the border patrol roll. As the Senator may know, there has been an insistent demand for increasing the patrol along the border, both on the north, the Canadian border, and on the south, the Mexican border.

Mr. KING. The Senator must know that for a number of years prior to the enactment of the present immigration law the number of aliens arriving upon our shores was greater than three-quarters of a million, and as I recall, for several years the number exceeded one million. Immigrants are restricted this year to less than 200,000, and with the diminution in the number of immigrants the greater the expenses of the

Mr. PHIPPS. By the very reason of the immigration law, it is necessary to patrol the border in order to keep out those

who are not entitled to admission from coming in.

Mr. KING. Well, we patrolled the border before, and only \$400,000 is asked here for the border patrol, but we are proposing to spend \$4,000,000 plus for employees in the department who are handling less than one-fifth of the number of immigrants who came into the United States two or three years ago. As I have stated, the fewer arrivals the larger appropriations are demanded.

Mr. WARREN. This appropriation is very necessary. It requires a larger appropriation to keep out those who are not wanted, who are prohibited by legislation from coming to the United States, than it did when immigrants came in, nolens volens, without much restriction.

Mr. KING. I do not agree with the Senator.

Mr. LENROOT. Does not the Senator realize that when there were practically no restrictions-

Mr. KING. But there were restrictions.

Mr. LENROOT. I mean restrictions so far as physical conditions and character were concerned, there was not the effort to come in unlawfully that there now is.

Mr. KING. But the Senator will perceive that only a small portion of this appropriation is devoted to border patrol. If any considerable portion of it were occasioned by that, there might be some reason for the Senator's position. Only \$500,000 is for the border patrol and \$4,000,000 plus is for the officials. I am, of course, referring to the appropriation carried in the general act for the fiscal year ending June 30,

1926, which aggregated more than \$5,000,000.

Mr. President, I know that when the last appropriation bill was under consideration the larger appropriation carried in the bill to which I have just called attention was defended upon the ground that many employees were needed along the border; and there are no more along the border, I am advised, than it was represented were then required. We provided in the bill for all that were required; and yet, as I stated, with the great reduction in the number of immigrants coming into the United States, we swell the appropriation. That is the character of economy that is practiced in many of the departments. I think the President has sought to compel some of the executive agencies to conform to proper economies, but he has failed. Secretary Mellon stated in his annual report submitted two months ago that there was a "superfluity"—I am using his own expression—of personnel in the department, which had materially contributed to the cost of running the Government. Notwithstanding the superfluity of employees, which the Secretary of the Treasury concedes exists, we are asked for more; and then we legalize deficiencies which are in the main illegal expenses by the departments, which create deficits, by giving them all they ask upon their merely asking for the same. We O. K. their bills; we give them carte blanche authority; we appropriate four or five million dollars; and, should they exceed the appropriation thus made, all they need to do is to write a letter or to appear before the Budget Bureau or the Senate committee and say, "We want more," and we give it to them. The Treasury apparently is inexhaustible; these officials in the executive departments spend and spend and spend; and Congress, abdicating its functions, sits down supinely and says, "Why do you not take more? We are surprised at your moderation.'

Mr. President, I can not make any motion in regard to this amendment now, but I hope it may be disagreed to.

The PRESIDING OFFICER (Mr. Willis in the chair).

The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.
The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading, "Navy Department," on page 39, after line 8, to insert:

# CIVIL GOVERNMENT OF AMERICAN SAMOA

For repair to roads, water systems, and school and other public buildings as the result of the burricane which visited American Samoa on January 1, 1926, to be expended under the direction of the Governor of American Samoa, fiscal year 1926, \$11,000.

The amendment was agreed to.

The next amendment was, under the heading "Department of State," on page 43, after line 8, to insert:

Preparatory commission on armaments: For the expenses of participation by the United States as the President may, in his discretion, determine, in the work of the preparatory commission, which

bureau charged with the duty of administering the immigra- | is to meet at Geneva, Switzerland, in 1926, for the purpose of making preliminary studies and preparations for a conference on the reduction and limitation of armaments; and for each and every purpose connected therewith, including compensation of employees, travel, subsistence expenses (notwithstanding the provisions of any other act); and such other expenses as the President shall deem proper, to be expended under the direction of the Secretary of State, to remain available until June 30, 1927, \$50,000.

The amendment was agreed to.

The next amendment was, under the heading, "Treasury Department," on page 44, after line 18, to insert:

#### FEDERAL FARM LOAN BUREAU

For additional amount for the Federal Farm Loan Board, in accordance with the estimates submitted in House Document No. 234. Sixty-ninth Congress, to remain available during the fiscal year 1927, \$294,095.

Mr. WARREN. Mr. President, I desire to move an amendment to correct the language in the committee amendment. I send the amendment to the amendment to the desk.

The PRESIDING OFFICER. The amendment to the amend-

ment will be stated.

The CHIEF CLERK. In the committee amendment, on page 44, line 23, it is proposed to strike out the numerals "\$294,095 and to insert in lieu thereof "\$234,095."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "War Department, Quartermaster Corps," on page 51, after line 4, to insert:

Restoration of Fort McHenry, Md.: For the restoration of Fort McHenry, Md., including repairs, improvements, changes, and alterations in the grounds, buildings, or other appurtenances to said reservation according to detailed plans which shall be approved by the Secretary of War, as authorized in the act approved March 3, 1925, \$28,522.35, to remain available until June 30, 1927, and to be paid from the proceeds of sales under such act.

The amendment was agreed to.

Mr. WARREN. I offer the amendment which I send to the desk to come in at that point.

The PRESIDING OFFICER. The amendment of the Sen-

ator from Wyoming will be stated.

The CHIEF CLERK. At the bottom of page 51 it is proposed to insert:

# CORPS OF ENGINEERS

For the amount found to be due Coast & Lakes Contracting Corporation, New York City, under the provisions of section 10, river and harbor act approved March 2, 1919, on contract for work on river and harbor improvements entered into, but not completed, prior to April 6, 1917, for work performed between April 6, 1917, and July 18, 1918, as set forth in detail in report of the Chief of Engineers of July 18, 1925, forwarded to the Speaker of the House of Representatives by letter of the Secretary of War dated July 22, 1925, \$17,653.30.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming.

The amendment was agreed to.

Mr. WARREN. I have another amendment which I offer

to be inserted on page 6, after line 3.

The PRESIDING OFFICER. The amendment will be stated. The CHIEF CLERK. On page 6, after line 3, it is proposed to

## GOVERNMENT PRINTING OFFICE

To enable the Public Printer to pay for two Congressional Record printing presses contracted for during the fiscal year 1923 under appropriations the balances under which have lapsed and been covered into the Treasury, \$122,350.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming.

The amendment was agreed to.

Mr. WARREN. Mr. President, at this point I ask unanimous consent that the clerks at the desk may be authorized to correct all totals and also to renumber all sections and pages as may be necessary

The PRESIDING OFFICER. Without objection, the order will be made.

The reading of the bill was resumed.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "Judgments of United States Courts," on page 54, line 13, after the numerals "162," to insert "and Senate Document No. 50"; in line 15, after the word "Bureau," to strike out "\$262.65," and insert "\$2,977.89"; at the beginning of line 17, to strike out "\$3,382.64," and insert "\$4,539.58"; at the beginning of line 18, to strike out

"\$37,204.80," and insert "\$50,468.13"; and at the end of the same line to strike out "\$43,831.64," and insert "\$60,967.15," so as to make the paragraph read:

For payment of the final judgments and decrees, including costs of cuits, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," as amended by the Judicial Code, approved March 3, 1911, certified to the Sixty-ninth Congress by the Attorney General in House Document No. 162 and Senate Document No. 50, and which have not been appealed, namely: Under the United States Veterans' Bureau, \$2,977.89; under the Department of Labor, \$2.981.55; under the Navy Department, \$4,539.58; under the War Department, \$50,468.13; in all, \$60,967.15, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent from the date thereof until the time this appropriation is made.

The amendment was agreed to.

The next amendment was, on page 55, line 10, after the numerals "168," to insert "and Senate Document No. 51," and at the beginning of line 13 to strike out "in all, \$20,580.97" and insert "under the War Department, \$802.80; in all, \$21,383.77," so as to make the paragraph read:

For payment of the judgments rendered against the Government by United States district courts under authority of the act of March 3. 1925 (43 Stat. L. p. 1112), and certified to the Sixty-ninth Congress in House Document No. 168 and Senate Document No. 51, as follows: Under the Department of Commerce, \$3,319.50; under the Navy De partment, \$17,261.47; under the War Department, \$802.80; in all, \$21,383.77, together with such sum as may be necessary to pay interest as specified in the judgment in favor of the Hillcrest Schooner Co. (Ltd.).

The amendment was agreed to.

Mr. WARREN. On behalf of the committee I offer another amendment to come in on page 56, line 20, in the bill.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 56, after line 20, it is proposed to insert the following:

For payment of judgment rendered against the United States by the United States District Court for the District of Wyoming on September 2, 1925, in favor of the Bothwell Co., in condemnation proceedings under section 7 of the act of June 17, 1902 (32 Stat. 388), for the acquisition of lands for the Pathfinder Reservoir, \$9,600, together with interest thereon at 8 per cent per annum from July 3, 1909, to and including February 19, 1923, and at 7 per cent per annum from February 20, 1923, until the date of payment, payable from the "reclamation fund" created by said act.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations The next amendment of the Committee on Appropriations was, under the heading "Judgments, Court of Claims," on page 57, line 1, after the numerals "163," to insert "and Senate Documents numbered 52 and 54"; in line 5, after the name "Navy Department," to strike out "\$289,615.13" and insert "\$870,608.55"; in line 7, after the name "War Department," to strike out "\$323,746.56" and insert "\$864,261.49'; and at the end of the same line to strike out "\$779,420.41' and insert "\$1,900,928.76," so as to make the paragraph read:

For payment of the judgments rendered by the Court of Claims and reported to the Sixty-ninth Congress in House Document No. 163 and Senate Documents Nos. 52 and 54, namely: Under the Department of Agriculture, \$1.50; under the Department of the Interior, \$4,180; under the Department of Labor, \$8,768; under the Navy Department, \$870,608.55; under the Treasury Department, \$153, 109.22; under the War Department, \$864,261.49; in all, \$1,900,928.76, together with such additional sum as may be necessary to pay interest on certain of the judgments at the legal rate per annum as and where specified in said judgments. None of the judgments contained herein shall be paid until the right of appeal shall have expired.

The amendment was agreed to.

Mr. WARREN. Mr. President, I have here two committee amendments. I send the first one to the desk, to be inserted at the proper place, and I ask to have it stated.

The PRESIDING OFFICER. The amendment will be stated. The CHIEF CLERK. It is proposed to insert, on page 3, after line 4, the following:

The unexpended balance of the appropriation "Contingent expenses, Senate, folding documents, 1925," is continued and made available during the fiscal year 1926.

The amendment was agreed to.

Mr. WARREN. I also send to the desk another amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated. The CHIEF CLERK. On page 2, after line 25, it is proposed to insert the following:

For expenses of inquiries and investigations ordered by the Senate. including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, \$125,000: Provided, That hereafter Senate resolutions providing for inquiries and investigations shall contain a limit of cost of such investigation, which limit shall not be exceeded except by vote of the Senate authorizing additional amounts.

Mr. WARREN. Mr. President, I wish to insert in the RECORD at that point—I shall not take time to read it now, if I may have permission to print-a statement of the payments that have been made out of the contingent fund of the Senate for investigations. I want to insert, covering perhaps the last 15 years or more the amounts that we have expended each year, and a few remarks of explanation, if I may have permission to do so.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and that order will be entered.

The matter referred to is as follows:

Amounts annually appropriated for investigations payable out of Senats contingent fund, years 1910 to 1926, inclusive

Regular	Special
\$25,000	\$10,000
25, 000	
25, 000	25, 000
25, 000	
50, 000	10,000
25, 000	
25, 000	
25, 000	
25, 000	
25, 000	10,000
	\$25, 000 25, 000 25, 000 25, 000 50, 000 25, 000 25, 000 25, 000 25, 000 25, 000

From 1910 to 1919, inclusive, the close of the war, the regular appropriations amounted to \$275,000. The special appropriations during the same period amounted to \$55,000. total of \$330,000 for the 10 years, or an average of \$33,000 a year. Since that time there has been appropriated:

iscal year:	Regular	Special	
1920	\$25,000	\$13, 500	
1921	50, 000	100,000	
1922	100,000		
1923	100,000		
1924	100, 000		
1925	150, 000	{100, 000 40, 000	
1926	150, 000	1 125, 000	

Mr. WARREN. Formerly, as will be noticed, the total appropriations for the years first mentioned were usually only \$25,000 a year. During the last few years, however, we have had very many investigations, most of which have been concluded. The amounts expended in these cases varied from \$2,682 up to \$125,000 plus.

We have still four or more investigations now in process, which up to the present have reached proportions from \$11,600 to \$124,000 plus. These are for investigations authorized and begun before the opening of the present session of Congress. What the total of these last may reach is unknown at present, although it is presumed that they are near their close. But, even during the last month, in one case one man drew a salary of \$1,300 for that one month's service, the same as for the preceding months.

Another man drew \$1,000 for the month's service on the

voucher of another committee which had theretofore allowed much higher rates of compensation to certain employees. particular point I want to make is that these large sums ought to go into a resolution, joint or concurrent, so that both Houses might concur concerning the expenditures, rather than to be handled as we have been handling them of late-allowing these resolutions almost to run wild. By such method we would be in position to acquire a little wider knowledge of the probable amount that might be used by any authorized committee of investigation. And before a given amount authorized has been expended or exceeded, the proponent could come back to the Senate or House for further authority.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

<sup>1</sup> Expected insufficient to cover expenses up to end of the fiscal year.

The next amendment of the Committee on Appropriations | was, on page 73, after line 9, to insert:

The Navy pension fund is hereby made available for the payment of the claims, amounting to \$349.86, allowed by the General Accounting Office in accordance with the provisions of the act of March 29, 1918 (40 Stat. p. 499), as set forth in House Document No. 229, Sixty-ninth Congress.

The amendment was agreed to.

Mr. WARREN. Mr. President, I think pretty much all of the rest of the bill consists of judgments and audited claims. Of course those that the House inserted are what they could reach at the time they framed the bill; and since then further judgments have been rendered, and they go in as amended. The Secretary may proceed with the reading of them, though they are quite lengthy.

The PRESIDING OFFICER. The Secretary will continue

the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 73, after line 15, to insert:

#### AUDITED CLAIMS

SEC. 3. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1923 and prior years unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 53, reported to Congress at its present session, there is appropriated as follows:

#### INDEPENDENT OFFICES

For salaries and expenses, United States Food Administration, \$4.20.

For medical and hospital services, Veterans' Bureau, \$563.95.

For salaries and expenses, Veterans' Bureau, \$49.40.

For vocational rehabilitation, Veterans' Bureau, \$2,414.42.

#### DEPARTMENT OF AGRICULTURE

For general expenses, Bureau of Plant Industry, \$5.42.

### DEPARTMENT OF COMMERCE

For industrial research, Bureau of Standards, \$170.

# DEPARTMENT OF THE INTERIOR

For education of natives of Alaska, \$275.

For fees of examining surgeons, pensions, \$3.

For increase of compensation, Indian Service, \$2.33.

For purchase and transportation of Indian supplies, \$94.71.

# DEPARTMENT OF JUSTICE

For increase of compensation, Department of Justice, \$277.33.

For books for judicial officers, \$2.

For detection and prosecution of crimes, \$2.50.

For salaries, circuit judges, \$291.68.

For salaries, fees, and expenses of marshals, United States courts, \$2,842.11

For pay of special assistant attorneys, United States courts, \$20.

For pay of regular assistant attorneys, United States courts, \$216.67.

For salaries and expenses of clerks, United States courts, \$607.79.

For fees of commissioners, United States courts, \$1.80. For fees of jurors, United States courts, \$1,091.90.

For fees of witnesses, United States courts, \$1,060.02. For pay of bailiffs, etc., United States courts, \$70.45.

For miscellaneous expenses, United States courts, \$152.87.

## DEPARTMENT OF LABOR

For expenses of regulating immigration, \$32.25.

## NAVY DEPARTMENT

For pay of the Navy, \$9,932.47.

For engineering, Bureau of Engineering, \$1,120.25.

For pay, Marine Corps, \$35.77.

For transportation, Bureau of Navigation, \$198.35.

For aviation, Navy, \$313.13.

For freight, Bureau of Supplies and Accounts, \$1,828.60.

For maintenance, Quartermaster's Department, Marine Corps, \$101.25.

For ordnance and ordnance stores, Bureau of Ordnance, \$758.04.

For organizing the Naval Reserve Force, \$10.33.

For provisions, Navy, Bureau of Supplies and Accounts, \$206.43.

For fuel and transportation, Bureau of Supplies and Accounts, \$18.

# DEPARTMENT OF STATE

For salaries of ambassadors and ministers, \$1,663.73.

For allowance for clerks at consulates, \$101.10.

## TREASURY DEPARTMENT

For increase of compensation, Treasury Department, \$9.33.

For collecting the revenue from customs, \$551.91.

For salaries and expenses of collectors, etc., of internal revenue, \$13,59.

For collecting the war revenue, \$986.10.

For collecting the internal revenue, \$70.

For enforcement of narcotic and national prohibition acts, internal revenue, \$1,499.91,

For refunding internal-revenue collections, \$3,321.51.

For Coast Guard, \$1,204.48.

For freight, transportation, etc., Public Health Service, \$28.

For pay of personnel and maintenance of hospitals, Public Health Service, \$237.74.

For medical and hospital services, Public Health Service, \$105.74.

For quarantine service, \$65.40.

For preventing the spread of epidemic diseases, \$250.

For mechanical equipment for public buildings, \$48.

For pay of assistant custodians and janitors, \$25.25.

For operating force for public buildings, \$217.05.

For operating supplies for public buildings, \$6.50. For furniture and repairs of same for public buildings, \$149.62.

#### WAR DEPARTMENT

For registration and selection for military service, \$268.80.

For pay, etc., of the Army, \$54,891.09.

For increase of compensation, War Department, \$480.

For arrears of pay, bounty, etc., \$25.83.

· For pay, etc., of the Army, war with Spain, \$49.32.

For increase of compensation, Military Establishment, \$3,289.05.

For mileage, officers and contract surgeons, \$234.78.

For subsistence of the Army, \$329.84.

For regular supplies of the Army, \$30.18.

For clothing and equipage, \$127.11 For Army transportation, \$10,998.19.

For clothing and camp and garrison equipage, \$39.67.

For general appropriations, Quartermaster Corps, \$4.719.82.

For supplies, services, and transportation, Quartermaster Corps. \$4,126,99.

For increase for aviation, Signal Corps, \$2,198.64.

For Signal Service of the Army, \$512.76.

For Air Service, Army, \$80.06.

For preservation and repair of fortifications, \$798.83.

For manufacture of arms, \$3.37.

For ordnance stores, ammunition, \$11,625.34.

For ordnance stores and supplies, \$21,911.91.

For armament of fortifications, \$21,381.77.

For arming, equipping, and training the National Guard, \$5,137.77.

For vocational training of soldiers, \$760.

For armament of fortifications, insular possessions, \$7,225.31.

For automatic rifles, \$3,276.90.

For civilian assistants to engineer officers, \$533.15.

For civilian military training camps, \$127.94.

For claims for medical and hospital treatment rendered members of Officers' Reserve Corps, Air Service, Army, \$464.

For hospital care, Canal Zone garrisons, \$43.09.

For proving grounds, Army, \$23,085.67.

For replacing medical supplies, \$71.97.

For quartermaster supplies and services, rifle ranges, civilian instruction, \$1,746.70.

For searchlights and electrical installations for seacoast defenses, \$3,652,32,

For transportation, services and supplies of Oregon and Washington volunteers, \$18.31.

For disposition of remains of officers, soldiers, and civil employees, \$242.57.

For aviation, Navy (Navy transfer to War, act May 21, 1920), \$1.47. For construction and maintenance military and post roads, \$4,827.69. For preventing spread of moths, Bureau of Entomology (Agriculture

transfer to War, act May 21, 1920), \$96.93.
For Vicksburg National Military Park, \$10.02.

# POST OFFICE DEPARTMENT-POSTAL SERVICE

# (Out of the postal revenues)

For airplane service between New York and San Francisco, \$190.65.

For balances due foreign countries, \$7.28.

For city delivery carriers, \$349.89.

For clerks, first and second class post offices, \$216.60.

For compensation to postmasters, \$31.87. For indemnities, domestic mail, \$2,512.37.

For indemnities, international registered mail, \$433.40.

For rent, light, and fuel, \$901.16.

For shipment of supplies, \$26.03.

For temporary clerk hire, \$537.60.

Total, audited claims, section 3, \$229,982.29, together with such additional sum due to increases in rates of exchange, as may be necessary to pay claims in the foreign currency as specified in certain of the certificates of settlement of the General Accounting Office.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDING OFFICER. The committee amendments have been completed. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. PEPPER. Mr. President, I offer an amendment to the bill, which I send to the desk with the request that it be

stated.

Mr. WARREN. Mr. President, I desire to explain that this is really a committee amendment which the Senator from Pennsylvania has presented and has behind it all the buttresses that it should have, offered in the manner that it is submitted.

PRESIDING OFFICER. The amendment will be

The CHIEF CLERK. On page 80, after line 14, it is proposed to insert:

### NATIONAL SESQUICENTENNIAL EXPOSITION

SEC. 4. To enable the Government of the United States to make an exhibit at the Sesquicentennial Exposition, to be held in the city of Philadelphia, Pa., in the year 1926, from its executive departments, independent offices, and establishments, including personal services, cost of transportation, rent, construction of buildings, traveling expenses, and for such other purposes as may be deemed necessary by the National Sesquicentennial Exhibition Commission, to commemorate the one hundred and fiftieth anniversary of the birth of the Nation, \$2,186,500, to be immediately available and to remain available until June 30, 1927, of which not more than \$250,000 shall be allocated to the War Department, and not more than \$350,000 to the Navy Department, of which latter sum \$250,000 shall be used for making repairs and improvements at the Philadelphia Navy Yard: Provided. That so much of the money herein appropriated as may be allocated for the construction of buildings shall be expended by the Sesquicentennial International Exposition, upon written approval of the National Sesquicentennial Exhibition Commission, and that the residue of the moneys herein appropriated shall be expended by the National Sesquicentennial Exhibition Commission.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. BUTLER. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated

The CHIEF CLERK. On page 80, after line 14, after the amendment already agreed to, it is proposed to insert;

## BOSTON SESQUICENTENNIAL CELEBRATION

SEC. 5. To enable the Government of the United States to participate in the sesquicentennial celebration of the evacuation of Boston by the British, to be held in the city of Boston, Mass., on March 17, 1926, there is hereby appointed a Federal commission, to be known as the United States Evacuation Day Sesquicentennial Commission (hereinafter referred to as the commission) and to be composed of five commissioners, as follows: One person to be appointed by the President of the United States, two Senators by the President of the Senate, and two Members of the House of Representatives by the Speaker of the House of Representatives. The commission shall serve without compensation and shall select a chairman from among their number. It is further provided that the sum of \$2,500 be appropriated, to be expended by the commission for actual and necessary traveling expenses and subsistence while discharging its official duties outside the District of Colum-It is also further provided that the sum of \$10,000 be appropriated, to be utilized in the discretion of the commission for the appropriate participation on the part of the United States in said celebration,

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BUTLER. Mr. President, this amendment is in the usual form and provides for the appointment of a legislative committee for the purpose of attending these ceremonies in Boston on evacuation day, March 17, 1926, the one hundred and fiftieth anniversary of that day. It also provides a small appropriation for the purpose of defraying the expenses—\$2,500 for travel, and so forth, and \$10,000 within the discretion of the commission, making \$12,500 in all—which may all be spent or may not all be spent for that purpose.

Mr. OVERMAN. What is this? I did not catch it. Mr. BUTLER. This evacuation-day ceremony is one which has taken place each year for a great many years. This is the one hundred and fiftieth anniversary. It was a very important historical event, and one in which the people of Massachusetts and New England and the country generally are interested. The Commonwealth makes its appropriation. The city of Boston makes its appropriation. This proposal is one in the usual form, asking the National Government to participate in this national historical occasion.

Mr. WARREN. Mr. President, may I ask the Senator whether it is expected that this is all that will be expended on the part of the Government, or shall we be taxed, as pretty much all of us have been before, for further demands?

Mr. BUTLER. I have no intention of asking for anything further, and I have no knowledge of anyone who will make any request for any further appropriation on the part of the

Government.

Mr. WARREN. Of course, this whole matter is one that did not arrive in time to be considered by the committee. I will say to the Senator very frankly that our experience has been a rather sad one, because a thing of this kind comes in from some quarter, and there are 10 or 15 others following immediately afterwards, as there were last time when we commenced with one, I think, in Massachusetts-the celebration of the anniversary of the Battle of Concord and Lexington. they would all conduct themselves as that particular one did, we would not be called upon for any great amount of money. I understand that everything concerned with that celebration was creditable and good; but we are opening a dangerous door, and it is a rather dangerous line.

If the Senator desires that we take this up now, rather than wait until we can have further consideration of the matter in some bill, I am rather disposed to let it go in, if there is no objection from any Senator, and let it go to conference; but I think I shall have to say in conference, if I support it there, that it is not expected and will not be permitted, so far as I am concerned and those who will agree with me, to go further in our appropriations for that item that we

may support at the present time.

shall not object.

Mr. OVERMAN. Mr. President, has this amendment been before any committee? Was it before the Committee on the

Mr. BUTLER. No. There has been no proposal in this con-

nection before any committee, so far as I am aware.

Mr. OVERMAN. They celebrated the Battle of Concord and

Lexington last year; did they not?

Mr. BUTLER. The anniversary of the Battle of Lexington and Concord was provided for last year and a special appropriation was made.

I think, Mr. President, in answer to the suggestion which has been made by the Senator from Wyoming, that the amount of money then appropriated was not exceeded, and no other appropriation was asked for involving any other historical

event in Massachusetts or elsewhere.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts.

The amendment was agreed to.

Mr. BORAH. Mr. President, I offer an amendment, to be inserted on page 10, after line 7.

The PRESIDING OFFICER. The amendment will be

The CHIEF CLERK. On page 10, after line 7, it is proposed to insert the following:

FREE PUBLIC LIBRARY

For personal services in accordance with the classification act of 1923, fiscal year 1926, \$2,725.

Mr. KING. Mr. President, my recollection is that there is some provision in this bill for the library.

Mr. BORAH. This is to take care of an expense in connection with the library in Mount Pleasant. The situation is this, as I understand: They have the library building but they have not the means for opening up the portion of it where children are accomr odated. It is provided for after the 1st of July, but this is to take care of that expense until the 1st of July.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Idaho.

The amendment was agreed to.
Mr. WILLIAMS. Mr. President, on page 30, I submit an amendment to strike out lines 15 to 20, inclusive.
The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 30, it is proposed to strike out lines 15 to 20, both inclusive, in the following words:

Bridge near Bloomfield, N. Mex.: To defray one-half the cost of the construction of a bridge across the San Juan River near Bloomfield, N. Mex., as authorized by the act of January 30, 1925, \$6,620, reimbursable from tribal funds of the Navajo Indians, and to remain available until June 30, 1927.

Mr. WILLIAMS. Mr. President, Bloomfield is several miles east of Farmington. It is in a thinly settled area, and is some 16 miles away from the nearest boundary of the Navajo Reservation; and this sum should not be charged to the Navajo Indians. I ask that those lines be stricken out.

ized by law?

Mr. WILLIAMS. This is the law that authorizes it, as I understand.

Mr. OVERMAN. I suppose the same point of order lies in

this case as in the other.

Mr. WARREN. It is, of course, a part of the House bill; but I do not feel like objecting to striking it out, so that it

may go to conference.

Mr. WILLIAMS. I think I might say further, for the RECORD, that the objection to this comes from those who have in charge the affairs of the Navajo Indians, the commissioners in While the Navajo Indians are in receipt of some funds which they receive from oil royalties, they are also charged with heavy expenditures due to the purchase of livestock, blooded bulls, rams, and the digging of water wells. This sum of \$6,620 is not referable to any benefit that might accrue to the Navajo Indians or to their well-being in that neighborhood,

Mr. JONES of Washington. Mr. President, may I ask the Senator whether the act of January 30, 1925, provides for reimbursement or not? This is an appropriation made pursuant to an act.

Mr. WILLIAMS. True; but this is reimbursable from the Navajo funds.

Mr. JONES of Washington. Does not the act of January 30, 1925, provide that it shall be reimbursable?

Mr. WILLIAMS. The bridge has not been built.
Mr. JONES of Washington. I am asking the Senator
whether the act of January 30, 1925, provides that whatever may be appropriated for the building of the bridge shall be reimbursable out of this fund?

Mr. WILLIAMS. I assume that it does. I do not know. Mr. JONES of Washington. If it does—— Mr. OVERMAN. Then I should make the point of order. understand that the Senator proposes to strike out the whole

Mr. WILLIAMS. The whole paragraph.
Mr. OVERMAN. Let it go to conference.
Mr. JONES of Washington. That is all right.

Mr. WILLIAMS. That is my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri.

The amendment was agreed to.

Mr. WILLIAMS. Mr. President, referring to the succeeding lines on the same page, lines 21 to 25, they have been stricken out, have they not?

The PRESIDING OFFICER. The Chair is advised that they

Mr. KING. Mr. President, I was out of the Chamber a moment. I want to ask the Senator in charge of the bill in regard to the item for "Air Service, Army," \$1,000,000, found on page 51. Is that a deficit? What is the occasion for this? We appropriated last year \$5,000,000 for this field, and my information is that no commensurate results were obtained. Hundreds of unnecessary employees consumed much of the appropriation, and the general or special results have proven most unsatisfactory.

Mr. WARREN. My information is that it will take this

million dollars to complete the contracts which have already been made to carry out the legislation we have heretofore enacted and what has been done in the line of development of the Air Service. The Senator knows, as I do, that the Air Service is a somewhat new service, and it is a little difficult to get down to exactly the sums required for a specified time.

Mr. KING. I know we have wasted many millions within the last few years in our aviation experimentation. The Senator from North Carolina states sotto voce that it is \$90,000,000. I will not say how much has been wasted, but Senators know our experience in aviation has been disappointing and humiliating. We have had no satisfactory air policy, and the hundreds of millions appropriated since 1918 reveal how unwise and foolish our efforts have been. The activities at McCook Field have been disappointing to the true friends of aviation. From reports made to me by persons who have visited McCook Field I am led to believe that hundreds of unnecessary employees were engaged and many officers stationed there who knew no more about aviation than they knew about the Einstein theory, and who were in no position to make any contribution

to the development of aviation.

Mr. WARREN. If the Senator desires, I will read a little from the hearings in the House on this matter:

The purpose of the appropriation of \$1,000,000, for which estimate is now submitted, is to permit this project to be continued without interruption so as to complete the evacuation of the leased property at Dayton and reestablish and begin operation of the testing and experimental plant on the new site at the earliest practicable date. The need for I

Mr. OVERMAN. Mr. President, is this appropriation author- | additional funds at this time is to enable the War Department to contract for the work to be done to the best interests of the United States, take advantage of favorable weather conditions during the coming spring and summer, and also make a saving in the \$67,000 annual rental on the property now being leased.

> Mr. KING. Mr. President, the situation calls for drastic reforms in our aviation policy. Whether there be unified air service or some other plan it is apparent to the most superficial observer that proper attention is not being given to this subject by the Government. The War and Navy Departments are spending millions annually without giving to the country adequate returns. They are duplicating and overlapping in respect to scientific and technical experimentation and development. The purchases by each could be made by one agency. The accounts of each could be kept by one agency. Yet we are frittering away millions with this divided responsibility and this divided authority. It seems to me that if we wanted to develop aviation as we should—and it needs development—there should be greater coordination of the activities of the Army and the Navy in dealing with this vital matter. I have bills pend-ing before the Committee on Military Affairs which I hope will receive consideration. They aim at the development of our Air Service both on land and sea.

> I protest against this appropriation. If it is needed, why does it not come in the general Army appropriation bill? That will be before us in a short time.

Mr. PHIPPS. The idea of anticipating is to save \$67,000 required on the ground under the lease, and also to enable the work to go ahead expeditiously during the spring and summer months. If it is allowed to go over until the regular bill shall become effective, it will not be available until July 1 next. It would save almost a year in getting the installation completed and ready for use.

Mr. KING. The Senator knows the Army appropriation bill will be before us within 10 days, and if those having charge of the bill regard this appropriation as necessary they can anticipate and provide that the amount shall be immediately available. Undoubtedly a large appropriation will be carried in the Army bill for McCook Field. We should not deal with the subject in a piecemeal fashion. But I appreciate that I am like John crying in the wilderness, that the Philistines in the Chamber will vote this appropriation and many others regardless of any showing that may be made.

The PRESIDING OFFICER. The question is on agreeing

to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

# ADJOURN MENT

Mr. JONES of Washington. I move that the Senate adjourn. The motion was agreed to; and the Senate (at 5 o'clock and 50 minutes p. m.) adjourned until to-morrow, Thursday, February 18, 1926, at 12 o'clock meridian.

# HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1926

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed and everlasting Father, again we approach Thy footstool in humility and reverently ask Thy guidance for this day. So often we falter because the flesh is weak and our vision is blurred. Bear with us and give us Thy fatherly help that we may take up life anew and move forward to finer achievements. May each Member of this Congress be deeply concerned about his duty and obligation to the Republic. May Thy wisdom, O Lord, abide with the Speaker that clear understanding and high purpose may direct him as he presides over these deliberations. Keep us all this day without sin. May we realize that the greater life to come is wrought for us by the discipline of the world through which we are passing. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

## SESCUICENTENNIAL CELEBRATION

Mr. WELSH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House Joint Resolution